

STANDARD CONDITIONS OF CERTIFICATION

Prepared in response to July 31, 2000 Order Directing
Staff to List Past Conditions of Certification

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STANDARD CONDITIONS OF CERTIFICATION

GENERAL CONDITIONS INCLUDING COMPLIANCE MONITORING AND CLOSURE PLAN

INTRODUCTION

The project General Conditions Including Compliance Monitoring and Closure Plan (Compliance Plan) has been established as required by Public Resources Code section 25532. The plan provides a means for assuring that the facility is constructed, operated and closed in conjunction with air and water quality, public health and safety, environmental and other applicable regulations, guidelines, and conditions adopted or established by the California Energy Commission (Energy Commission) and specified in the written decision on the Application for Certification or otherwise required by law.

The Compliance Plan is composed of the following elements:

1. General conditions that:

- set forth the duties and responsibilities of the Compliance Project Manager (CPM), the project owner, delegate agencies, and others;
- set forth the requirements for handling confidential records and maintaining the compliance record;
- state procedures for settling disputes and making post-certification changes; and
- state the requirements for periodic compliance reports and other administrative procedures that are necessary to verify the compliance status for all Energy Commission approved conditions; and
- establish requirements for facility closure plans.

2. Specific technical conditions of certification:

- Specific conditions of certification follow the General Conditions and contain the measures normally required to mitigate most potential adverse project impacts associated with construction, operation and closure to an insignificant level. Each specific technical condition of certification includes a verification provision that describes the method of verifying that the condition has been satisfied. **Additional Conditions of Certification needed to mitigate specific project impacts will be developed during the Commission Siting process.**

GENERAL CONDITIONS OF CERTIFICATION

COMPLIANCE PROJECT MANAGER (CPM) RESPONSIBILITIES

A CPM will oversee the compliance monitoring and shall be responsible for:

1. ensuring that the design, construction, operation, and closure of the project facilities is in compliance with the terms and conditions of the Commission Decision;
2. resolving complaints;
3. processing post-certification changes to the conditions of certification, project description, and ownership or operational control;
4. documenting and tracking compliance filings; and,
5. ensuring that the compliance files are maintained and accessible.

The CPM is the contact person for the Energy Commission and will consult with appropriate responsible agencies and the Energy Commission when handling disputes, complaints and amendments.

All project compliance submittals are submitted to the CPM for processing. Where a submittal required by a condition of certification requires CPM approval, it should be understood that the approval would involve all appropriate staff and management.

The Commission has established a toll free compliance telephone number of **1-800-858-0784** for the public to contact the Commission about power plant construction or operation-related questions, complaints or concerns.

PRE-CONSTRUCTION AND PRE-OPERATION COMPLIANCE MEETING

The CPM may schedule pre-construction and pre-operation compliance meetings prior to the projected start-dates of construction, plant operation, or both. The purpose of these meetings will be to assemble both the Energy Commission's and the project owner's technical staff to review the status of all pre-construction or pre-operation requirements contained in the Energy Commission's conditions of certification to confirm that they have been met, or if they have not been met, to ensure that the proper action is taken. In addition, these meetings shall ensure, to the extent possible, that Energy Commission conditions will not delay the construction and operation of the plant due to oversight or inadvertence and to preclude any last minute, unforeseen issues from arising. Pre-construction meetings held during the certification process may need to be publicly noticed unless they are confined to administrative issues and process.

ENERGY COMMISSION RECORD

The Energy Commission shall maintain as a public record, in either the Compliance file or Docket file, for the life of the project (or other period as required):

1. all documents demonstrating compliance with any legal requirements relating to the construction and operation of the facility;
2. all monthly and annual compliance reports filed by the project owner;
3. all complaints of noncompliance filed with the Energy Commission; and,
4. all petitions for project or condition changes and the resulting staff or Energy Commission action taken.

PROJECT OWNER RESPONSIBILITIES

It is the responsibility of the project owner to ensure that the general compliance conditions and the conditions of certification are satisfied. The general compliance conditions regarding post-certification changes specify measures that the project owner must take when requesting changes in the project design, compliance conditions, or ownership. Failure to comply with any of the conditions of certification or the general compliance conditions may result in reopening of the case and revocation of Energy Commission certification, an administrative fine, or other action as appropriate.

ACCESS

The CPM, responsible Energy Commission staff, and delegate agencies or consultants, shall be guaranteed and granted unrestricted access to the power plant site, related facilities, project-related staff, and the records maintained on site, for the purpose of conducting audits, surveys, inspections, or general site visits. Although the CPM will normally schedule site visits on dates and times agreeable to the project owner, the CPM reserves the right to make unannounced visits at any time.

COMPLIANCE RECORD

The project owner shall maintain project files on-site or at an alternative site approved by the CPM, for the life of the project. The files shall contain copies of all "as-built" drawings, all documents submitted as verification for conditions, and all other project-related documents for the life of the project, unless a lesser period is specified by the conditions of certification.

Energy Commission staff and delegate agencies shall, upon request to the project owner, be given unrestricted access to the files.

COMPLIANCE VERIFICATIONS

Each condition of certification is followed by a means of "verification". The verification describes the Energy Commission's procedure(s) to ensure post-certification compliance with adopted conditions. The verification procedures, unlike the conditions, may be modified, as necessary by the CPM, and in most cases without full Energy Commission approval.

Verification of compliance with the conditions of certification can be accomplished by:

5. reporting on the work done and providing the pertinent documentation in monthly and/or annual compliance reports filed by the project owner or authorized agent as required by the specific conditions of certification;
6. appropriate letters from delegate agencies verifying compliance;
7. Energy Commission staff audit of project records; and/or
8. Energy Commission staff inspection of mitigation and/or other evidence of mitigation.

Verification lead times (e.g., 90,60 and 30-days) associated with start of construction may require the project owner to file submittals during the certification process, particularly if construction is planned to commence shortly after certification.

A cover letter from the project owner or authorized agent is required for all compliance submittals and correspondence pertaining to compliance matters. **The cover letter subject line shall identify the involved condition(s) of certification by condition number and include a brief description of the subject of the submittal.** The project owner shall also identify those submittals **not** required by a condition of certification with a statement such as: "This submittal is for information only and is not required by a specific condition of certification." When submitting supplementary or corrected information, the project owner shall reference the date of the previous submittal.

The project owner is responsible for the delivery and content of all verification submittals to the CPM, whether such condition was satisfied by work performed by the project owner or an agent of the project owner.

All submittals shall be addressed as follows:

**Compliance Project Manager
California Energy Commission
1516 Ninth Street (MS-2000)
Sacramento, CA 95814**

If the project owner desires Energy Commission staff action by a specific date, they shall so state in their submittal and include a detailed explanation of the effects on the project if this date is not met.

COMPLIANCE REPORTING

There are two different compliance reports that the project owner must submit to assist the CPM in tracking activities and monitoring compliance with the terms and conditions of the Commission Decision. During construction, the project owner or authorized agent will submit Monthly Compliance Reports. During operation, an Annual Compliance Report must be submitted. These reports, and the requirement for an accompanying compliance matrix, are described below. The majority of the conditions of certification require that compliance submittals be submitted to the CPM in the monthly or annual compliance reports.

Compliance Matrix

A compliance matrix shall be submitted by the project owner to the CPM along with each monthly and annual compliance report. The compliance matrix is intended to provide the CPM with the current status of all compliance conditions in a spreadsheet format. The compliance matrix must identify:

1. the technical area,
2. the condition number,
3. a brief description of the verification action or submittal required by the condition,
4. the date the submittal is required (e.g., 60 days prior to construction, after final inspection, etc.),
5. the expected or actual submittal date,
6. the date a submittal or action was approved by the Chief Building Official (CBO), CPM, or delegate agency, if applicable, and
7. the compliance status for each condition (e.g., “not started”, “in progress” or “completed date”).

Completed or satisfied conditions do not need to be included in the compliance matrix after they have been identified as completed/satisfied in at least one monthly or annual compliance report.

Pre-Construction Matrix

Prior to commencing construction a compliance matrix addressing only those conditions that must be fulfilled before the start of construction shall be submitted by the project owner to the CPM. This matrix will be included with the project owner's **first** compliance submittal. It will be in the same format as the compliance matrix referenced above.

Tasks Prior to Start of Construction

Construction shall not commence until the pre-construction matrix is submitted, all pre-construction conditions have been complied with, and the CPM has issued a letter to the project owner authorizing construction. Project owners frequently anticipate starting project construction as soon as the project is certified. In some cases it may be necessary for the project owner to file submittals prior to certification if the required lead-time extends beyond the date anticipated for start of construction. It is also important that the project owner understand that pre-construction activities that are initiated prior to certification are performed at the owner's own risk. Failure to allow specified lead-time may cause delays in start of construction.

Various lead times for verification submittals to the CPM for conditions of certification are established to allow sufficient staff time to review and comment, and if necessary, allow the project owner to revise the submittal in a timely manner. This will ensure that project construction may proceed according to schedule.

Monthly Compliance Report

The first Monthly Compliance Report is due the month following the Energy Commission business meeting date that the project was approved, unless the otherwise agreed to by the CPM. The first Monthly Compliance Report shall include an initial list of dates for each of the events identified on the Key Events List. The Key Events List is found at the end of this section.

During pre-construction and construction of the project, the project owner or authorized agent shall submit an original and five copies of the Monthly Compliance Report within 10 working days after the end of each reporting month. Monthly Compliance Reports shall be clearly identified for the month being reported. The reports shall contain at a minimum:

1. a summary of the current project construction status, a revised/updated schedule if there are significant delays, and an explanation of any significant changes to the schedule;
2. documents required by specific conditions to be submitted along with the Monthly Compliance Report. Each of these items must be identified in the transmittal letter, and should be submitted as attachments to the Monthly Compliance Report;
3. an initial, and thereafter updated, compliance matrix which shows the status of all conditions of certification (fully satisfied and/or closed conditions do not need to be included in the matrix after they have been reported as closed);
4. a list of conditions which have been satisfied during the reporting period, and a description or reference to the actions which satisfied the condition;
5. a list of any submittal deadlines that were missed accompanied by an explanation and an estimate of when the information will be provided;
6. a cumulative listing of any approved changes to conditions of certification;
7. a listing of any filings with, or permits issued by, other governmental agencies during the month;
8. a projection of project compliance activities scheduled during the next two months. The project owner shall notify the CPM as soon as any changes are made to the project construction schedule that would affect compliance conditions of certification;
9. a listing of the month's additions to the on-site compliance file; and
10. any requests to dispose of items that are required to be maintained in the project owner's compliance file.
11. a listing of complaints, notices of violation, official warnings, and citations received during the month; a description of the resolution of any complaints which have been resolved, and the status of any unresolved complaints.

Annual Compliance Report

After the air district has issued a Permit to Operate, the project owner shall submit Annual Compliance Reports instead of Monthly Compliance Reports. The reports are for each year of commercial operation and are due to the CPM each year at a date agreed to by the CPM. Annual Compliance Reports shall be submitted over the life of the project unless otherwise specified by the CPM. Each Annual Compliance Report shall identify the reporting period and shall contain the following:

1. an updated compliance matrix which shows the status of all conditions of certification (fully satisfied and/or closed conditions do not need to be included in the matrix after they have been reported as closed);
2. a summary of the current project operating status and an explanation of any significant changes to facility operations during the year;
3. documents required by specific conditions to be submitted along with the Annual Compliance Report. Each of these items must be identified in the transmittal letter, and should be submitted as attachments to the Annual Compliance Report;
4. a cumulative listing of all post-certification changes approved by the Energy Commission or cleared by the CPM;
5. an explanation for any submittal deadlines that were missed, accompanied by an estimate of when the information will be provided;
6. a listing of filings made to, or permits issued by, other governmental agencies during the year;
7. a projection of project compliance activities scheduled during the next year;
8. a listing of the year's additions to the on-site compliance file, and
9. an evaluation of the on-site contingency plan for unexpected facility closure, including any suggestions necessary for bringing the plan up to date [see General Conditions for Facility Closure addressed later in this section].
10. a listing of complaints, notices of violation, official warnings, and citations received during the year; a description of the resolution of any complaints which have been resolved, and the status of any unresolved complaints.

CONFIDENTIAL INFORMATION

Any information, which the project owner deems confidential shall be submitted to the Energy Commission's Docket with an application for confidentiality pursuant to Title 20, California Code of Regulations, section 2505(a). Any information, which is determined to be confidential, shall be kept confidential as provided for in Title 20, California Code of Regulations, section 2501 et. seq.

DEPARTMENT OF FISH AND GAME FILING FEE

Pursuant to the provisions of Fish and Game Code Section 711.4, the project owner shall pay a filing fee in the amount of eight hundred and fifty dollars (\$850). The payment instrument shall be provided to the Commission's Project Manager at the

time of project certification and shall be made payable to the California Department of Fish and Game. The Commission's Project Manager will submit the payment to the Office of Planning and Research at the time of filing of the notice of decision pursuant to Public Resources Code Section 21080.5.

REPORTING OF COMPLAINTS, NOTICES, AND CITATIONS

Prior to the start of construction, the project owner must send a letter to property owners living within one mile of the project notifying them of a telephone number to contact project representatives with questions, complaints or concerns. If the telephone is not staffed 24 hours per day, it shall include automatic answering, with date and time stamp recording. The telephone number shall be posted at the project site and easily visible to passersby during construction and operation.

In addition to the monthly and annual compliance reporting requirements described above, the project owner shall report and provide copies of all complaint forms, notices of violation, notices of fines, official warnings, and citations, within 10 days of receipt, to the CPM. Complaints shall be logged and numbered. Noise complaints shall be recorded on the form provided in the **NOISE** conditions of certification. All other complaints shall be recorded on the complaint form on the following page.

COMPLAINT REPORT/RESOLUTION FORM

PROJECT NAME: AFC Number:
COMPLAINT LOG NUMBER _____ Complainant's name and address: Phone number:
Date and time complaint received: Indicate if by telephone or in writing (attach copy if written): Date of first occurrence:
Description of complaint (including dates, frequency, and duration):
Findings of investigation by plant personnel: Indicate if complaint relates to violation of a CEC requirement: Date complainant contacted to discuss findings:
Description of corrective measures taken or other complaint resolution: Indicate if complainant agrees with proposed resolution: If not, explain: Other relevant information:
If corrective action necessary, date completed: Date first letter sent to complainant: _____(copy attached) Date final letter sent to complainant: _____(copy attached)
This information is certified to be correct. Plant Manager's Signature: _____ Date: _____

(Attach additional pages and supporting documentation, as required.)

FACILITY CLOSURE

At some point in the future, the project will cease operation and close down. At that time, it will be necessary to ensure that the closure occurs in such a way that public health and safety and the environment are protected from adverse impacts.

Although the project setting for this project does not appear, at this time, to present any special or unusual closure problems, it is impossible to foresee what the situation will be in 30 years or more when the project ceases operation. Therefore, provisions must be made which provide the flexibility to deal with the specific situation and project setting which will exist at the time of closure. LORS pertaining to facility closure are identified in the sections dealing with each technical area.

Facility closure will be consistent with LORS in effect at the time of closure.

There are at least three circumstances in which a facility closure can take place, planned closure, unexpected temporary closure and unexpected permanent closure.

PLANNED CLOSURE

This planned closure occurs at the end of a project's life, when the facility is closed in an anticipated, orderly manner, at the end of its useful economic or mechanical life, or due to gradual obsolescence.

UNEXPECTED TEMPORARY CLOSURE

This unplanned closure occurs when the facility is closed suddenly and/or unexpectedly, on a short-term basis, due to unforeseen circumstances such as a natural disaster, or an emergency.

UNEXPECTED PERMANENT CLOSURE

This unplanned closure occurs if the project owner closes the facility suddenly and/or unexpectedly, on a permanent basis. This includes unexpected closure where the owner remains accountable for implementing the on-site contingency plan. It can also include unexpected closure where the project owner is unable to implement the contingency plan, and the project is essentially abandoned.

GENERAL CONDITIONS FOR FACILITY CLOSURE

PLANNED CLOSURE

In order that a planned facility closure does not create adverse impacts, a closure process, that will provide for careful consideration of available options and applicable laws, ordinances, regulations, standards, and local/regional plans in existence at the time of closure, will be undertaken. To ensure adequate review of a planned project closure, the project owner shall submit a proposed facility closure plan to the Energy Commission for review and approval at least twelve months prior to commencement of closure activities (or other period of time agreed to by the CPM). The project owner shall file 120 copies (or other number of copies agreed upon by the CPM) of a proposed facility closure plan with the Energy Commission.

The plan shall:

1. identify and discuss any impacts and mitigation to address significant adverse impacts associated with proposed closure activities and to address facilities, equipment, or other project related remnants that will remain at the site.
2. identify a schedule of activities for closure of the power plant site, transmission line corridor, and all other appurtenant facilities constructed as part of the project;
3. identify any facilities or equipment intended to remain on site after closure, the reason, and any future use; and
4. address conformance of the plan with all applicable laws, ordinances, regulations, standards, local/regional plans in existence at the time of facility closure, and applicable conditions of certification.

Also, in the event that there are significant issues associated with the proposed facility closure plan's approval, or the desires of local officials or interested parties are inconsistent with the plan, the CPM shall hold one or more workshops and/or the Commission may hold public hearings as part of its approval procedure.

In addition, prior to submittal of the proposed facility closure plan, a meeting shall be held between the project owner and the Commission CPM for the purpose of discussing the specific contents of the plan.

As necessary, prior to, or during the closure plan process, the project owner shall take appropriate steps to eliminate any immediate threats to public health and safety or the environment, but shall not commence any other closure activities, until Commission approval of the facility closure plan is obtained.

UNEXPECTED TEMPORARY CLOSURE

In order to ensure that public health and safety and the environment are protected in the event of an unexpected temporary facility closure, it is essential to have an on-site contingency plan in place. The on-site contingency plan will help to ensure that all necessary steps to mitigate public health and safety, and environmental impacts, are taken in a timely manner.

The project owner shall submit an on-site contingency plan for CPM review and approval. The plan shall be submitted no less than 60 days (or other time agreed to by the CPM) prior to commencement of commercial operation. The approved plan must be in place prior to commercial operation of the facility and shall be kept at the site at all times.

The project owner, in consultation with the CPM, will update the on-site contingency plan as necessary. The CPM may require revisions to the on-site contingency plan over the life of the project. In the annual compliance reports submitted to the Energy Commission, the project owner will review the on-site contingency plan, and recommend changes to bring the plan up to date. Any changes to the plan must be approved by the CPM.

The on-site contingency plan shall provide for taking immediate steps to secure the facility from trespassing or encroachment. In addition, for closures of more than 90 days (unless other arrangements are agreed to by the CPM), the plan shall provide for removal of hazardous materials and hazardous wastes, draining of all chemicals from storage tanks and other equipment and the safe shutdown of all equipment (also see specific conditions of certification for the technical areas of Hazardous Materials Management and Waste Management).

In addition, consistent with requirements under unexpected permanent closure addressed below, the nature and extent of insurance coverage, and major equipment warranties must also be included in the on-site contingency plan. In addition, the status of the insurance coverage and major equipment warranties must be updated in the annual compliance reports.

In the event of an unexpected temporary closure, the project owner shall notify the CPM, as well as other responsible agencies, by telephone, fax, e-mail, etc., within 24 hours and shall take all necessary steps to implement the on-site contingency plan. The project owner shall keep the CPM informed of circumstances and expected duration of the closure.

If the CPM determines that a temporary closure is likely to be permanent, or for a duration of more than twelve months, a closure plan consistent with that for a planned closure shall be developed and submitted to the CPM within 90 days of the CPM's determination (or other period of time agreed to by the CPM).

UNEXPECTED PERMANENT CLOSURE

The on-site contingency plan required for unexpected temporary closure shall also cover unexpected permanent facility closure. All of the requirements specified for unexpected temporary closure shall also apply to unexpected permanent closure.

In addition, the on-site contingency plan shall address how the project owner will ensure that all required closure steps will be successfully undertaken in the unlikely event of abandonment.

In the event of an unexpected permanent closure, the project owner shall notify the CPM, as well as other responsible agencies, by telephone, fax, e-mail, etc., within 24 hours and shall take all necessary steps to implement the on-site contingency plan. The project owner shall keep the CPM informed of the status of all closure activities.

A closure plan consistent with that for a planned closure shall be developed and submitted to the CPM within 90 days of the permanent closure (or other period of time agreed to by the CPM).

DELEGATE AGENCIES

To the extent permitted by law, the Energy Commission may delegate authority for compliance verification and enforcement to various state and local agencies that have expertise in subject areas where specific requirements have been established

as a condition of certification. If a delegate agency does not participate in this program, the Energy Commission staff will establish an alternative method of verification and enforcement. Energy Commission staff reserves the right to independently verify compliance.

In performing construction and operation monitoring of the project, the Energy Commission staff acts as, and has the authority of, the Chief Building Official (CBO). The Commission staff retains this authority when delegating to a local CBO. Delegation of authority for compliance verification includes the authority for enforcing codes, the responsibility for code interpretation where required, and the authority to use discretion as necessary, in implementing the various codes and standards.

Whenever an agency's responsibility for a particular area is transferred by law to another entity, all references to the original agency shall be interpreted to apply to the successor entity.

ENFORCEMENT

The Energy Commission's legal authority to enforce the terms and conditions of its Decision is specified in Public Resources Code sections 25534 and 25900. The Energy Commission may amend or revoke the certification for any facility, and may impose a civil penalty for any significant failure to comply with the terms or conditions of the Commission Decision. The specific action and amount of any fines the Commission may impose would take into account the specific circumstances of the incident(s). This would include such factors as the previous compliance history, whether the cause of the incident involves willful disregard of LORS, inadvertence, unforeseeable events, and other factors the Commission may consider.

Moreover, to ensure compliance with the terms and conditions of certification and applicable laws, ordinances, regulations, and standards, delegate agencies are authorized to take any action allowed by law in accordance with their statutory authority, regulations, and administrative procedures.

NONCOMPLIANCE COMPLAINT PROCEDURES

Any person or agency may file a complaint alleging noncompliance with the conditions of certification. Such a complaint will be subject to review by the Energy Commission pursuant to Title 20, California Code of Regulations, section 1230 et. seq., but in many instances the noncompliance can be resolved by using the informal dispute resolution process. Both the informal and formal complaint procedure, as described in current State law and regulations, are described below. They shall be followed unless superseded by current law or regulations.

INFORMAL DISPUTE RESOLUTION PROCEDURE

The following procedure is designed to informally resolve disputes concerning interpretation of compliance with the requirements of this compliance plan. The project owner, the Energy Commission, or any other party, including members of

the public, may initiate this procedure for resolving a dispute. Disputes may pertain to actions or decisions made by any party including the Energy Commission's delegate agents.

This procedure may precede the more formal complaint and investigation procedure specified in Title 20, California Code of Regulations, section 1230 et. seq., but is not intended to be a substitute for, or prerequisite to it. This informal procedure may not be used to change the terms and conditions of certification as approved by the Energy Commission, although the agreed upon resolution may result in a project owner, or in some cases the Energy Commission staff, proposing an amendment.

The procedure encourages all parties involved in a dispute to discuss the matter and to reach an agreement resolving the dispute. If a dispute cannot be resolved, then the matter must be referred to the full Energy Commission for consideration via the complaint and investigation process. The procedure for informal dispute resolution is as follows:

REQUEST FOR INFORMAL INVESTIGATION

Any individual, group, or agency may request the Energy Commission to conduct an informal investigation of alleged noncompliance with the Energy Commission's terms and conditions of certification. All requests for informal investigations shall be made to the designated CPM.

Upon receipt of a request for informal investigation, the CPM shall promptly notify the project owner of the allegation by telephone and letter. All known and relevant information of the alleged noncompliance shall be provided to the project owner and to the Energy Commission staff. The CPM will evaluate the request and the information to determine if further investigation is necessary. If the CPM finds that further investigation is necessary, the project owner will be asked to promptly investigate the matter and within seven (7) working days of the CPM's request, provide a written report of the results of the investigation, including corrective measures proposed or undertaken, to the CPM. Depending on the urgency of the noncompliance matter, the CPM may conduct a site visit and/or request the project owner to provide an initial report, within forty-eight (48) hours, followed by a written report filed within seven (7) days.

REQUEST FOR INFORMAL MEETING

In the event that either the party requesting an investigation or the Energy Commission staff is not satisfied with the project owner's report, investigation of the event, or corrective measures undertaken, either party may submit a written request to the CPM for a meeting with the project owner. Such request shall be made within fourteen (14) days of the project owner's filing of its written report. Upon receipt of such a request, the CPM shall:

1. immediately schedule a meeting with the requesting party and the project owner, to be held at a mutually convenient time and place;
2. secure the attendance of appropriate Energy Commission staff and staff of any other agency with expertise in the subject area of concern as necessary;

3. conduct such meeting in an informal and objective manner so as to encourage the voluntary settlement of the dispute in a fair and equitable manner; and,
4. after the conclusion of such a meeting, promptly prepare and distribute copies to all in attendance and to the project file, a summary memorandum which fairly and accurately identifies the positions of all parties and any conclusions reached. If an agreement has not been reached, the CPM shall inform the complainant of the formal complaint process and requirements provided under Title 20, California Code of Regulations, section 1230 et. seq.

FORMAL DISPUTE RESOLUTION PROCEDURE-COMPLAINTS AND INVESTIGATIONS

If either the project owner, Energy Commission staff, or the party requesting an investigation is not satisfied with the results of the informal dispute resolution process, such party may file a complaint or a request for an investigation with the Energy Commission's General Counsel. Disputes may pertain to actions or decisions made by any party including the Energy Commission's delegate agents. Requirements for complaint filings and a description of how complaints are processed are in Title 20, California Code of Regulations, section 1230 et. seq.

The Chairman, upon receipt of a written request stating the basis of the dispute, may grant a hearing on the matter, consistent with the requirements of noticing provisions. The Commission shall have the authority to consider all relevant facts involved and make any appropriate orders consistent with its jurisdiction (Title 20, California Code of Regulations, sections 1232 - 1236).

POST CERTIFICATION CHANGES TO THE COMMISSION DECISION: AMENDMENTS, INSIGNIFICANT PROJECT CHANGES AND VERIFICATION CHANGES

The project owner must petition the Energy Commission, pursuant to Title 20, California Code of Regulations, section 1769, to 1) delete or change a condition of certification; 2) modify the project design or operational requirements; and 3) transfer ownership or operational control of the facility.

A petition is required for **amendments** and for **insignificant project changes**. For verification changes, a letter from the project owner is sufficient. In all cases, the petition or letter requesting a change should be submitted to the Commission's Docket in accordance with Title 20, California Code of Regulations, section 1209. The criteria that determine which type of change process applies are explained below.

AMENDMENT

A proposed change will be processed as an amendment if it involves a change to the requirement or protocol (and in some cases the verification) portion of a condition of certification, an ownership or operator change, or a potential significant environmental impact.

INSIGNIFICANT PROJECT CHANGE

The proposed change will be processed as an insignificant project change if it does not require changing the language in a condition of certification, have a potential for significant environmental impact, and cause the project to violate laws, ordinances, regulations or standards.

VERIFICATION CHANGE

The proposed change will be processed as a verification change if it involves only the language in the verification portion of the condition of certification. This procedure can only be used to change verification requirements that are of an administrative nature, usually the timing of a required action. In the unlikely event that verification language contains technical requirements, the proposed change must be processed as an amendment.

KEY EVENT LIST

PROJECT _____ DATE ENTERED _____

DOCKET # _____ PROJECT MANAGER _____

<i>EVENT DESCRIPTION</i>	<i>DATE ASSIGNED</i>
Date of Certification	
Start of Construction	
Completion of Construction	
Start of Operation (1st Turbine Roll)	
Start of Rainy Season	
End of Rainy Season	
Start T/L Construction	
Complete T/L Construction	
Start Fuel Supply Line Construction	
Complete Fuel Supply Line Construction	
Start Rough Grading	
Complete Rough Grading	
Start of Water Supply Line Construction	
Completion of Water Supply Line Construction	
Start Implementation of Erosion Control Measures	
Complete Implementation of Erosion Control Measures	

TECHNICAL CONDITIONS

AIR QUALITY

AQ-1 Prior to the commencement of project construction, the project owner shall prepare a Construction Fugitive Dust Mitigation Plan that will specifically identify fugitive dust mitigation measures that will be employed for the construction of the project and related facilities.

a) The Construction Fugitive Dust Mitigation Plan shall specifically identify measures to limit fugitive dust emissions from construction of the project site, the raw water pipeline, pump station and tank sites. Measures that shall be addressed include the following:

- The identification of the employee parking area(s) and surface of the parking area(s);
- the frequency of watering of unpaved roads and disturbed areas;
- the application of chemical dust suppressants;
- the stabilization of storage piles and disturbed areas;
- the use of gravel in high traffic areas;
- the use of paved access aprons;
- the use of posted speed limit signs;
- the use of wheel washing areas prior to large trucks leaving the project site; and
- the methods that will be used to clean tracked-out mud and dirt from the project site onto public roads.

b) The following measures should be addressed for the transportation of the borrow fill material to the project site and the raw water pumping station: the use of covers on the vehicles, the wetting of the material, and insuring appropriate freeboard of material in the vehicles.

Verification: At least sixty (60) days prior to the start of construction, the project owner shall provide the CPM with a copy of the Construction Fugitive Dust Mitigation Plan for approval.

AQ-2 The project owner shall ensure that all heavy earthmoving equipment, including bulldozers, backhoes, compactors, loaders, motor graders and trenchers, cranes, dump trucks, and other heavy duty construction related trucks, have been properly maintained and the engines tuned to the engine manufacturers' specifications.

Verification: The project owner shall submit to the CPM, via the Monthly Compliance Report, documentation which demonstrates that the contractor's heavy earthmoving equipment is properly maintained and the engines are tuned to the manufacturers' specifications. The project owner shall maintain all records on the site for six (6) months following the start of commercial operation.

AQ-3 No air contaminant shall be released into the atmosphere which causes a public nuisance.

Verification: The project owner shall make the site available for inspection by representatives of the District, California Air Resources Board (CARB), and the Commission.

AQ-4 At least thirty (30) days prior to commencement of construction, the project owner shall provide the District with written documentation that all necessary offsets have been acquired or that binding contracts to secure such offsets have been entered into.

Verification: The project owner shall provide copies of all the necessary ERC certificates to the CPM no later than thirty (30) days prior to the commencement of construction.

AQ-5 The District must be notified thirty (30) days prior to any compliance source test, and a source test plan must be submitted for approval fifteen (15) days prior to testing. Official test results and field data collected by source tests required by conditions on this permit shall be submitted to the District within sixty (60) days of testing.

Verification: The project owner shall notify the CPM and the District thirty (30) days prior to any compliance source test. The project owner shall provide a source test plan to the CPM and District for CPM and District approval fifteen (15) days prior to testing. The results and field data collected by the source tests shall be submitted to the CPM and the District within sixty (60) days of testing.

AQ-6 The source test plans for the initial and seven-year source test shall include a method for measuring the VOC/CO surrogate relationship that will be used to demonstrate compliance with VOC lb/hr, lb/day, and lb/twelve month rolling average emission limits.

Verification: The project owner shall provide a source test plan to the CPM and District for the CPM and District approval fifteen (15) days prior to testing.

AQ-7 The project owner shall notify the District of : a) the date of initiation of construction no later than thirty (30) days after such date; b) the date of

anticipated startup not more than sixty (60) days nor less than thirty (30) days prior to such date; and c) the date of actual startup within fifteen (15) days after such date.

Verification: The project owner shall notify the CPM and the District of the date of initiation of construction no later than thirty (30) days after such date. The project owner shall notify the CPM and the District of the date of anticipated startup not more than sixty (60) days nor less than thirty (30) days prior to such date, and the date of actual startup within fifteen (15) days after such date.

AQ-8 The project owner shall maintain hourly records of NO_x, CO and ammonia emission concentrations (ppmv @ 15% O₂), and hourly, daily and twelve month rolling average records of NO_x and CO emissions. Compliance with hourly, daily, and twelve month rolling average VOC emission limits shall be demonstrated by the CO CEM data and the VOC/CO relationship determined by annual CO and VOC source tests.

Verification: The project owner shall compile the required data and submit the quarterly reports to the CPM within thirty (30) days of the end of the quarter as required by Condition AQ-10.

AQ-9 The project owner shall maintain records of SO_x lb/hr, lb/day, and lb/twelve month rolling average emissions. SO_x emissions shall be based on fuel use records, natural gas sulfur content, and mass balance calculations.

Verification: The project owner shall provide records of the information described above as part of the quarterly reports submitted to the CPM.

AQ-10 The project owner shall maintain the following records: occurrence, duration, and type of any startup, shutdown, or malfunction; performance testing, evaluations, calibrations, checks, adjustments, any period during which a continuous monitoring system or monitoring device was inoperative, maintenance of any continuous emission monitor; emission measurements, total daily and rolling twelve month average hours of operation, hourly quantity of fuel used, and gross three hour average operating load.

Verification: The project owner shall compile required data and submit the information to the CPM in quarterly reports submitted no later than sixty (60) days after the end of each calendar quarter.

AQ-11 All records required to be maintained by this permit shall be maintained for a period of five (5) years and shall be made readily available for District inspection upon request.

Verification: The project owner shall make the site available for inspection by representatives of the District, CARB, and the Commission.

AQ-12 Results of continuous emissions monitoring shall be reduced according to the procedure established in 40 CFR, Part 51, Appendix P, paragraphs 5.0 through 5.3.3, or by other methods deemed equivalent by mutual agreement with the District, the ARB, and the EPA.

Verification: The project owner shall compile the required data in the formats discussed above and submit the results to the CPM quarterly.

AQ-13 The project owner shall notify the District of any breakdown condition as soon as reasonably possible, but no later than one (1) hour after its detection, unless the owner or operator demonstrates to the District's satisfaction that the longer reporting period was necessary.

Verification: The project owner shall comply with the notification requirements of the District and submit written copies of these notification reports to the CPM as part of the quarterly reports specified in Condition AQ-10.

AQ-14 The District shall be notified in writing within ten (10) days following the correction of any breakdown condition. The breakdown notification shall include a description of the equipment malfunction or failure, the date and cause of the initial failure, the estimated emissions in excess of those allowed, and the methods utilized to restore normal operations.

Verification: The project owner shall comply with the notification requirements of the District and submit written copies of these notification reports to the CPM as part of the quarterly reports specified in Condition AQ-10.

AQ-15 Audits of continuous emission monitors shall be conducted quarterly, except during quarters in which relative accuracy and total accuracy testing is performed, in accordance with EPA guidelines. The District shall be notified prior to completion of the audits. Audit reports shall be submitted along with quarterly compliance reports to the District.

Verification: The project owner shall submit the continuous emission monitor audit results with the quarterly reports required in Condition AQ-17.

AQ-16 The project owner shall comply with the applicable requirements for quality assurance testing and maintenance of the continuous emission monitor equipment in accordance with the procedures and guidance specified in 40 CFR Part 60, Appendix F.

Verification: The project owner shall submit the continuous emission monitor results with the quarterly reports required in Condition AQ-17.

AQ-17 The project owner shall submit a written report to the APCO for each calendar quarter, within thirty (30) days of the end of the quarter, including: time intervals, data and magnitude of excess emissions, nature and cause of excess (if known), corrective actions taken and preventive measures adopted; averaging period used for data reporting shall correspond to the averaging period for each respective emission standard; applicable time and date of each period during which the CEM was inoperative (except for zero and span checks) and the nature of system repairs and adjustments; and a negative declaration when no excess emissions occurred.

Verification: The project owner shall compile the required data and submit the quarterly reports to the CPM and the APCO within thirty (30) days of the end of the quarter.

AQ-18 The project owner shall submit an application to the District to comply with Rule 2540 - Acid Rain Program, twenty-four (24) months before the unit commences operation.

The project owner shall file its application with the District at least twenty-four (24) months prior to the commencement of operation of any of the combustion turbine generators.

PUBLIC HEALTH

No standard Conditions of Compliance

BIOLOGICAL RESOURCES

BIO-1 The project owner will implement the mitigation measures identified in Application for Certification. The project owner's proposed mitigation measures will be incorporated into the final Biological Resources Mitigation Implementation and Monitoring Plan (see Condition of Certification **BIO-**, below) unless the mitigation measures conflict with mitigation required by the U. S. Fish and Wildlife Service and the California Department of Fish and Game that is contained in their respective Biological Opinions and Incidental Take Permit. (Exhibits 57 and 58).

Protocol: The project owner will:

1. Site transmission line poles, access roads, pulling sites, and storage and parking areas to avoid sensitive resources whenever possible.
2. Avoid all wetlands.

3. Design and construct transmission lines and poles to reduce the likelihood of electrocutions of large birds.
4. Bury any pipelines that cross streams and dry creek beds below the scour depth for each waterway. Streambeds disturbed during construction will be recontoured so that drainage patterns are not changed from pre-construction conditions.
5. Implement a Worker Environmental Awareness Program.
6. Hire a qualified biologist, who is acceptable to Energy Commission, USFWS, and CDFG staff, to conduct pre-construction surveys no more than fourteen (14) days prior to initiation of construction in any portion of the project area.
7. Implement CDFG approved take avoidance measures for the blunt-nosed leopard lizard.
8. Clearly mark construction area boundaries with stakes, flagging, and/or rope or cord to minimize inadvertent degradation or loss of adjacent habitat during facility construction. All equipment storage will be restricted to designated construction zones or areas that are currently not considered sensitive species habitat.
9. Post signs and/or fence the power plant site and laydown areas to restrict vehicle access to designated areas.
10. Institute traffic restraints and signs to minimize temporary disturbances. A 20-mph speed limit will be implemented on the project site.
11. Designate a specific individual as a contact representative between La Paloma, USFWS, Energy Commission, and CDFG to oversee compliance with mitigation measures detailed in the Biological Opinion.
12. Provide a qualified wildlife biologist to monitor all activities that may result in incidental take of listed species or their habitat.
13. Conduct compliance inspections once per week and provide an annual compliance report to the Energy Commission, the appropriate USFWS Field Office, and the appropriate CDFG Region office.
14. Limit transmission line construction to daylight hours. For areas of high concentrations of nocturnal sensitive species (giant kangaroo rat, San Joaquin kit fox, Tipton kangaroo rat), work activities will be minimized during nighttime hours. Night lighting will be hooded.
15. Provide wildlife escape ramps for construction areas that contain steep-walled holes or trenches.
16. Fence open holes or trenches within 50-feet of giant kangaroo rat burrows. Fence will be hardware cloth or similar materials that are approved by USFWS and CDFG.

17. Inspect trenches each morning for entrapped animals prior to the beginning of construction. Construction will be allowed to begin only after trapped animals are able to escape voluntarily.
18. Inspect all construction pipes, culverts, or similar structures with a diameter of 4-inches or greater for kit foxes prior to pipe burial. Pipes to be left in trenches overnight will be capped.
19. Provide a post-construction compliance report, within forty-five (45) calendar days of completion of the project, to the USFWS, CDFG, and the Energy Commission.
20. Complete, and institute, a habitat reclamation plan once temporarily disturbed habitat disturbance is completed. Annual inspections will occur for three (3) years to check for compliance with the reclamation plan goals.
21. Make certain that all food-related trash will be disposed of in closed containers and removed at least once a week. Feeding of wildlife shall be prohibited.
22. Prohibit firearms except for those carried by security personnel.
23. Prohibit pets from the project site.
24. Minimize the use of rodenticides and herbicides in the project area.
25. Report all inadvertent deaths of San Joaquin kit fox, San Joaquin antelope squirrel, giant kangaroo rat, or blunt-nosed leopard lizard to the appropriate project representative. Injured animals will be reported to CDFG, and the project owner will follow instructions that are provided by CDFG.
26. Consult with USFWS, CDFG, and Energy Commission regarding appropriate protection measures for sensitive species following resolution of any emergency situation that takes place in sensitive habitat during clean-up activities.
27. Acquire compensation lands to satisfy the requirements of state and federal endangered species acts, consistent with standard USFWS and CDFG compensation requirements for impacts to listed species habitats.

Verification: At least sixty (60) days prior to start of any project related ground disturbance activities, the project owner shall provide the Energy Commission Compliance Project Manager (CPM) with the final version of the BRMIMP for this project, and the CPM will determine the plan's acceptability within fifteen (15) days of receipt of the final plans. Implementation of the above measures shall be included in the BRMIMP

BIO-2 Construction site and/or ancillary facilities preparation (described as any ground disturbing activity other than allowed geotechnical work) shall not

begin until an Energy Commission CPM approved Designated Biologist is available to be on-site.

The Designated Biologist must meet the following minimum qualifications:

1. a Bachelor's Degree in biological sciences, zoology, botany, ecology, or a closely related field;
2. three years of experience in field biology or current certification of a nationally recognized biological society, such as The Ecological Society of America or The Wildlife Society;
3. one year of field experience with biological resources found in or near the project area; and
4. an ability to demonstrate to the satisfaction of the CPM the appropriate education and experience for the biological resources tasks that must be addressed during project construction and operation.

If the CPM determines the proposed Designated Biologist to be unacceptable, the project owner shall submit another individual's name and qualifications for consideration. If the approved Designated Biologist needs to be replaced, the project owner shall obtain approval of a new Designated Biologist by submitting to the CPM the name, qualifications, address, and telephone number of the proposed replacement. No disturbance will be allowed in any designated sensitive areas until the CPM approves a new Designated Biologist and the new Designated Biologist is on-site.

Verification: At least ninety (90) days prior to the start of any ground disturbance activities, the project owner shall submit to the CPM for approval the name, qualifications, address, and telephone number of the individual selected by the project owner as the Designated Biologist. If a Designated Biologist is replaced, the information on the proposed replacement as specified in the Condition must be submitted in writing at least ten working days prior to the termination or release of the preceding Designated Biologist.

BIO-3 The CPM approved Designated Biologist shall perform the following during project construction and operation:

1. Advise the project owner's supervising construction or operations engineer on the implementation of the biological resources Conditions of Certification;
2. Supervise or conduct mitigation, monitoring, and other biological resources compliance efforts, particularly in areas requiring avoidance or containing sensitive biological resources, such as wetlands and special status species; and

3. Notify the project owner and the CPM of any non-compliance with any biological resources Condition of Certification.

Verification: During project construction, the Designated Biologist shall maintain written records of the tasks described above, and summaries of these records shall be submitted along with the Monthly Compliance Reports to the CPM. During project operation, the Designated Biologist shall submit record summaries in the Annual Compliance Report.

BIO-4 The project owner's supervising construction and operations engineer shall act on the advice of the Designated Biologist to ensure conformance with the biological resources Conditions of Certification.

Protocol: The project owner's supervising construction and operating engineer shall halt, if necessary, all construction activities in areas specifically identified by the Designated Biologist as sensitive to assure that potential significant biological resources impacts are avoided.

The Designated Biologist shall:

1. Inform the project owner and the supervising construction and operating engineer when to resume construction; and
2. Advise the CPM if any corrective actions are needed or have been instituted.

Verification: Within two (2) working days of a Designated Biologist notification of non-compliance with a Biological Resources Condition or a halt of construction, the project owner shall notify the CPM by telephone of the circumstances and actions being taken to resolve the problem or the non-compliance with a Condition. For any necessary corrective action taken by the project owner, a determination of success or failure will be made by the CPM within five (5) working days after receipt of notice that corrective action is completed, or the project owner will be notified by the CPM that coordination with other agencies will require additional time before a determination can be made.

BIO-5 The project owner shall develop and implement a CPM approved Worker Environmental Awareness Program in which each of its employees, as well as employees of contractors and subcontractors who work on the project site or related facilities (including any access roads, storage areas, transmission lines, water and gas lines) during construction and operation, are informed about sensitive biological resources associated with the project.

The Worker Environmental Awareness Program must:

1. be developed by the Designated Biologist and consist of an on-site or training center presentation in which supporting written material is made available to all participants;

2. discuss the locations and types of sensitive biological resources on the project site and adjacent areas;
3. present the reasons for protecting these resources;
4. present the meaning of various temporary and permanent habitat protection measures; and
5. identify whom to contact if there are further comments and questions about the material discussed in the program.

The specific program can be administered by a competent individual(s) acceptable to the Designated Biologist.

Each participant in the on-site Worker Environmental Awareness Program shall sign a statement declaring that the individual understands and shall abide by the guidelines set forth in the program materials. The person administering the program shall also sign each statement.

Verification: At least sixty (60) days prior to the start of rough grading, the project owner shall provide copies of the Worker Environmental Awareness Program and all supporting written materials prepared by the Designated Biologist and the name and qualifications of the person(s) administering the program to the CPM for approval. The project owner shall state in the Monthly Compliance Report the number of persons who have completed the training in the prior month and a running total of all persons who have completed the training to date. The signed statements for the construction phase shall be kept on file by the project owner and made available for examination by the CPM for a period of at least six (6) months after the start of commercial operation. During project operation, signed statements for active project operational personnel shall be kept on file for the duration of their employment and for six (6) months after their termination.

BIO-6 Prior to start of any ground disturbance activities, the project owner shall acquire an Incidental Take Permit from the California Department of Fish and Game (CDFG) (per Section 2081(b) of the California Endangered Species Act) and implement the permit terms and conditions. (See also Exhibit 58).

Verification: No less than five (5) days prior to the start of any project related ground disturbance activities the project owner shall submit to the CPM a copy of the final CDFG Incidental Take Permit. Permit terms and conditions will be incorporated into the Biological Resources Mitigation Implementation and Monitoring Plan. (See also Condition of Certification **BIO-8.**)

BIO-7 Prior to the start of any ground disturbance activities, the project owner shall provide final copies of the Biological Opinion per Section 7 of the federal endangered species act obtained from the U. S. Fish and Wildlife Service and incorporate the terms of the agreement into the Biological

Resources Mitigation Implementation and Monitoring Plan. The project owner will implement the terms and conditions contained in the Biological Opinion (See also Condition of Certification **BIO-8**.)

Verification: At least sixty (60) days prior to the start of any project related ground disturbance activities the project owner shall submit to the CPM a copy of the Biological Opinion. Permit terms and conditions will be incorporated into the Biological Resources Mitigation Implementation and Monitoring Plan. (See also Condition of Certification **BIO-8**.)

BIO-8 The project owner shall submit to the CPM for review and approval a copy of the final Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) and shall implement the measures identified in the plan.

The final BRMIMP shall identify:

1. All mitigation, monitoring, and compliance measures recommended by the Applicant referred to, as well as those contained in, Condition of Certification **BIO-1**;
2. All sensitive biological resources to be impacted, avoided, or mitigated by project construction, operation and closure;
3. All mitigation measures provided in the USFWS Biological Opinion and the CDFG Incidental Take Permit (Exs. 57 and 58);
4. All provisions specified in the CDFG Streambed Alteration Agreement Notification #4-176-98 (Ex. 10);
5. All required mitigation measures for each sensitive biological resource (including burrowing owl avoidance measures recommended by CDFG in its September 1995 staff report on burrowing owl mitigation; Ex. 59);
6. Required habitat compensation, including provisions for acquisition, enhancement, and management for any temporary and permanent loss of sensitive biological resources;
7. A detailed description of measures that will be taken to avoid or mitigate temporary disturbances from construction activities;
8. All locations, on a map of suitable scale, of laydown areas and areas requiring temporary protection and avoidance during construction;
9. Aerial photographs of all areas to be disturbed during project construction activities - one set prior to site disturbance and one set subsequent to completion of mitigation measures. Include planned timing of aerial photography and a description of why times were chosen;
10. Monitoring duration for each type of monitoring and a description of monitoring methodologies and frequency;

11. Performance standards to be used to help decide if/when proposed mitigation is or is not successful;
12. All performance standards and remedial measures to be implemented if performance standards are not met;
13. A discussion of biological resources related facility closure measures; and
14. A process for proposing plan modifications to the CPM and appropriate agencies for review and approval.

Verification: At least sixty (60) days prior to start of any project related ground disturbance activities, the project owner shall provide the CPM with the final version of the BRMIMP for this project, and the CPM will determine the plan's acceptability within fifteen (15) days of receipt of the final plan. The project owner shall notify the CPM five (5) working days before implementing any modifications to the BRMIMP.

Within thirty (30) days after completion of project construction, the project owner shall provide to the CPM, for review and approval, a written report identifying which items of the BRMIMP have been completed, a summary of all modifications to mitigation measures made during the project's construction phase, and which mitigation and monitoring plan items are still outstanding.

BIO-9 The project owner will incorporate into the planned permanent or unexpected permanent closure plan measures that address the local biological resources. The biological resources facility closure measures will also be incorporated into the BRMIMP. (See Condition of Certification **BIO-8**, above)

The planned permanent or unexpected permanent closure plan will address the following biological resources related mitigation measures:

1. Removal of transmission conductors when they are no longer used and useful;
2. Removal of all power plant site facilities; and
3. Measures to restore wildlife habitat to promote the re-establishment of native plant and wildlife species.

Verification: At least twelve (12) months (or a mutually agreed upon time) prior to the commencement of closure activities, the project owner shall address all biological resources related issues associated with facility closure in a Biological Resources Element. The Biological Resources Element will be incorporated into the Facility Closure Plan and include a complete discussion of the local biological resources and proposed facility closure mitigation measures.

CULTURAL RESOURCES

CUL-1 Prior to the start of project construction (defined as any construction-related vegetation clearance, ground disturbance and preparation, and site excavation activities), the project owner shall provide the California Energy Commission (Commission) Compliance Project Manager (CPM) with the name and resume for the designated cultural resource specialist who will develop and implement the project's cultural resource monitoring and mitigation plan. Project construction shall not begin until the designated cultural resource specialist approved by the CPM is available to be on-site.

Protocol: The protocols are as follows:

1. The resume for the designated cultural resource specialist shall include all information needed to demonstrate that the specialist meets the minimum qualifications specified in the US Secretary of Interior Guidelines, as published by the State Office of Historic Preservation (1983). These minimum qualifications shall include the following: a graduate degree in anthropology, archaeology, California history, cultural resource management, or other comparable fields; at least three years of archaeological resource mitigation and field experience in California; and at least one year's experience in each of the following areas: leading archaeological resource field surveys; leading site and artifact mapping, recording, and recovery operations; marshalling and using equipment necessary for cultural resource recovery and testing; preparing recovered materials for analysis and identification; determining the need for appropriate sampling and/or testing in the field and in the lab; directing the analyses of mapped and recovered artifacts; completing the identification and inventory of recovered cultural resource materials; and the preparation of appropriate reports to be filed with the receiving curation repository, the SHPO, all appropriate regional archaeological information center(s), and the CPM.
2. The resume for the designated cultural resource specialist shall include a list of specific projects the specialist has previously worked on; the role and responsibilities of the specialist for each project listed; and the names and phone numbers of contacts familiar with the specialist's work on these referenced projects.

Verification: At least ninety (90) days prior to the start of construction on the project, the project owner shall submit the names and resumes for its designated cultural resource specialist, and the specialist's team members, to the CPM for review and written approval.

At least ten (10) days prior to the start of construction, the project owner shall confirm to the CPM that the approved designated cultural resource specialist is available and prepared to implement the cultural resource Conditions of Certification at the start of construction.

At least ten (10) days prior to the termination or release of a designated cultural resource specialist, the project owner shall obtain CPM approval of the replacement specialist by submitting to the CPM the name and resume of the proposed new designated cultural resource specialist. Should emergency replacement of the designated specialist become necessary, the project owner shall immediately notify the CPM to discuss the qualifications of its proposed replacement specialist.

CUL-2 Prior to the start of project construction, the project owner shall provide the designated cultural resource specialist and the CPM with maps and drawings showing the final project design and site layout, and the final alignment of all linear facilities. The routes for the linear facilities shall be provided on 7.5 minute quad maps, showing post mile markers (including “tic marks” for tenths of a mile), final center lines and right-of-way boundaries, and the location of all the various areas where surface disturbance may be associated with project-related access roads, storage yards, laydown sites, pull sites, pump or pressure stations, switchyards, electrical tower or pole footings, and any other project components.

Protocol: The designated cultural resource specialist may request, and the project owner shall provide, enlargements of portions of the 7.5 minute maps presented as a sequence of strip maps for the linear facility routes. The strip maps shall include post mile and tenth of a mile markers and show the detailed locations of proposed access roads, storage or laydown sites, tower or pole footings, and any other areas of disturbance associated with the construction and maintenance of project-related linear facilities. The project owner shall also provide copies of any such enlargements to the CPM at the same time as they are provided to the specialist.

Verification: At least seventy-five (75) days prior to the start of construction on the project, the project owner shall provide the designated cultural resource specialist and the CPM with final drawings and site layouts for all project facilities and maps at appropriate scale(s) for all areas potentially affected by project construction. If the designated cultural resource specialist requests enlargements or strip maps for linear facility routes, the project owner shall also provide a set of these maps to the CPM at the same time as they are provided to the specialist.

CUL-3 Prior to the start of project construction, the designated cultural resources specialist shall prepare, and the project owner shall submit to the CPM for review and written approval, a draft Cultural Resource Monitoring and Mitigation Plan to identify general and specific measures to minimize potential impacts to sensitive cultural resources. The Cultural Resources Monitoring and Mitigation Plan prepared for the Energy Commission per this Condition may also become part of the Archaeological Resources Treatment Plan required by the US Bureau of Land Management (BLM) permit process. [The BLM permit usually applies to archaeological resource surveys, testing, monitoring and mitigation, and data and

resource recovery that takes place on lands managed by the BLM and/or other federal agencies.]

The CPM will review, and must approve in writing, the Cultural Resources Monitoring and Mitigation Plan. After CPM approval, the project owner's designated cultural resource specialist and designated cultural resource team shall be available to implement the Monitoring and Mitigation Plan as needed throughout project construction. After the project owner receives written CPM approval of the plan, the project owner shall make the designated cultural resource specialist and designated cultural resource team available to implement the Monitoring and Mitigation Plan as needed throughout project construction.

Protocol: The Cultural Resources Monitoring and Mitigation Plan shall include, but not be limited to, the following elements and measures:

1. A proposed research design that includes a discussion of questions that may be answered by the mapping data and artifact recovery conducted during monitoring and mitigation activities, and by the post-construction analysis of recovered data and materials.
2. A discussion of the implementation sequence and the estimated time frames needed to accomplish all project-related tasks during the pre-construction, construction, and post-construction analysis phases of the project.
3. A discussion of the mitigation team leadership and organizational structure, and the inter-relationship of team roles and responsibilities associated with completion of the tasks identified in (b), above.
4. A discussion of the need for Native American observers or monitors, the procedures to be used to select them, the areas or post-mile sections where they will be needed, and their role and responsibilities.
5. Incorporation of the Applicant's mitigation measures, as set forth in the Staff Assessment and in the AFC.
6. A discussion of measures, such as flagging or fencing, to prohibit or otherwise restrict access to sensitive resource areas that are to be avoided during construction and/or operation, and identification of areas where these measures are to be implemented. The discussion shall address how these measures will be implemented prior to the start of construction and how long they will be needed to protect the resources from project-related effects.
7. A discussion of where monitoring of project construction activities is deemed necessary by the designated cultural resource specialist. The specialist will determine the size or extent of the areas where monitoring is to occur and will establish a schedule for the monitor(s) to be present. If the designated specialist determines that the likelihood of encountering cultural resources in certain areas is slight, the specialist may discontinue monitoring in that location.

8. A description of a set of reporting procedures, prepared in concert with the project owner, to be used by all project personnel to notify the designated cultural resource specialist of any unexpected finds of cultural resources during construction-related activities.
9. A description of the work curtailment procedures, prepared in concert with the project owner, to be followed if cultural resources are unexpectedly discovered during project construction.
10. A discussion of the requirement that all cultural resources encountered will be recorded and mapped (may include photos) and all significant or diagnostic resources will be collected for analysis and eventual curation into a retrievable storage collection in a public repository or museum that meets the US Secretary of Interior standards and requirements for the curation of cultural resources.
11. A discussion of the availability and the designated specialist's access to equipment and supplies necessary for site mapping, photographing, and recovering any cultural resource materials encountered during construction.
12. Identification of the public institution that has agreed to receive any data and cultural resources recovered during project-related monitoring and mitigation work. Discussion of any requirements, specifications, or funding needed for the materials to be delivered for curation and how they will be met. Also include the name and phone number of the contact person at the institution.

Verification: At least sixty (60) days prior to the start of construction on the project, the project owner shall provide the draft Cultural Resources Monitoring and Mitigation Plan prepared by the designated cultural resource specialist to the CPM for review and written approval. If the CPM does not approve the draft plan, the project owner, the designated cultural resources specialist, and the CPM shall meet to discuss comments and work out necessary changes.

CUL-4 Prior to the start of project construction, the designated cultural resources specialist shall prepare an employee training program. The project owner shall submit the cultural resources training program to the CPM for review and written approval.

Protocol: The training program will discuss the potential to encounter cultural resources in the field, the sensitivity and importance of these resources, and the legal obligations to preserve and protect such resources.

The training program shall also include the set of resource reporting procedures and work curtailment procedures that workers are to follow if previously unknown cultural resources are encountered during project activities. The training program will be presented by the designated cultural resource specialist or another qualified person approved by the

CPM and may be combined with other training programs prepared for biological resources, hazardous materials, or any other areas of interest or concern.

Verification: At least forty-five (45) days prior to the start of construction on the project, the project owner shall submit to the CPM (or designee) for review, comment, and written approval, the proposed employee training program, the set of reporting procedures, and the work curtailment procedures that the workers are to follow if previously unknown cultural resources are encountered during construction. The project owner shall provide the CPM with the name and resume for the person proposed to conduct the training.

The CPM shall provide the project owner with written approval or disapproval of the proposed trainer, the proposed employee training program, the set of reporting procedures, and the work curtailment procedures. If the CPM does not approve of the proposed trainer, the draft employee training program, or the proposed procedures, the project owner, the designated cultural resources specialist, and the CPM shall meet to discuss comments and work out necessary changes.

CUL-5 Prior to the start of construction and throughout the project construction period as needed for all new employees, the project owner shall ensure that the designated cultural resource specialist provides the CPM-approved training to all project managers, construction supervisors, and workers. The project owner shall ensure that the designated specialist provides the workers with the CPM-approved set of procedures for reporting any sensitive resources that may be discovered during project-related ground disturbance.

Verification: The project owner shall provide the CPM with documentation, in the Monthly Compliance Report, that the designated cultural resource specialist has presented the employee training program and has provided the set of procedures to all project managers, construction supervisors, and all workers.

CUL-6 The designated cultural resource specialist or their delegated monitor shall have the authority to halt or redirect construction if potentially significant previously unknown cultural resource sites or materials are encountered during project-related ground disturbance including grading, augering, excavation and/or trenching. The designated cultural resource specialist shall notify the CPM within 24 hours of the find and work stoppage.

The halting or redirection of construction shall remain in effect until: a) the designated cultural resource specialist determines that the materials are not significant; or b) the specialist meets with the CPM, and any necessary data recovery and mitigation have been completed. After construction is halted or redirected, the designated cultural resource specialist shall act in accordance with the following procedures:

- The designated cultural resource specialist, representatives of the project owner, and the CPM shall confer within five working days of the notification of the CPM to determine what, if any, data recovery or other mitigation is needed.
- If data recovery or other mitigation measures are required, the designated cultural resource specialist and team members shall monitor construction activities and implement data recovery and mitigation measures, as needed.
- All necessary and required data recovery and mitigation shall be completed as expeditiously as possible after discovery of any previously unknown cultural resources, unless additional time is agreed to by all parties.

Verification: At least thirty (30) days prior to the start of construction, the project owner shall provide the CPM with a letter confirming that the designated cultural resource specialist has the authority to halt construction activities in the vicinity of a cultural resource find. The project owner shall also provide the CPM, for review and written approval, a set of work curtailment procedures to be followed if previously unknown cultural resources are discovered during construction.

CUL-7 Throughout the project construction period, the project owner shall provide the designated cultural resource specialist and the CPM with a current schedule of anticipated monthly project activity (presented on a week-by-week basis) and a map indicating the area(s) where construction activities will occur. The designated cultural resource specialist shall consult daily with the project superintendent or construction field manager to confirm the area(s) to be worked on the next day(s).

Verification: The project owner shall provide the designated cultural resource specialist and the CPM with a week-by-week schedule of the upcoming construction activities, one month in advance, as well as maps showing where the construction activity is scheduled to take place. These advance schedules are to be provided to the CPM with the Monthly Compliance Report.

CUL-8 Throughout the pre-construction reconnaissance surveys and the construction monitoring and mitigation phases of the project, the designated cultural resource specialist shall keep a daily log of any resource finds and the progress or status of the resource monitoring, mitigation, preparation, identification, and analytical work being conducted for the project. The designated specialist shall prepare a weekly summary report on the progress or status of cultural resource-related activities. The weekly summary reports are to be filed with the project owner for inclusion in the Monthly Compliance Report to the CPM. The designated resource specialist may informally discuss the cultural resource monitoring and mitigation activities with Commission technical staff.

Verification: Throughout the project construction period, the project owner shall include in the Monthly Compliance Reports to the CPM copies of the weekly summary reports prepared by the designated cultural resource specialist on the progress or status of cultural resource monitoring and mitigation activities.

CUL-9 The designated cultural resource specialist or their delegated monitor shall be present to monitor construction-related ground disturbance, including grading, excavation, trenching, and/or augering in the vicinity of previously recorded archaeological sites, in areas where significant cultural resources have been identified during project construction, and at any other locations specified in the approved monitoring and mitigation plan.

Protocol: If the designated cultural resource specialist determines that full-time monitoring is not necessary in certain portions of the project area or along portions of the linear facility routes, the designated specialist shall notify the project owner and the CPM of the changes. The designated cultural resource specialist shall use mile post markers and boundary stakes placed by the project owner to identify areas where monitoring is being reduced or is no longer deemed necessary.

The daily logs prepared by the designated cultural resource specialist shall indicate, by tenths of a post mile, where and when monitoring has taken place and where monitoring has been deemed unnecessary.

Verification: The project owner shall include in the Monthly Compliance Reports to the CPM copies of the weekly summary reports prepared by the designated cultural resource specialist on project-related cultural resource activities.

CUL-10 The project owner shall ensure the recovery, preparation for analysis, and preparation for curation of all cultural resource materials encountered and collected during pre-construction surveys and during the monitoring, data recovery, mapping, and mitigation activities related to the project.

Verification: The project owner shall maintain, in its compliance files, copies of signed contracts or agreements with the museum(s), university(ies), or other appropriate research specialists which will ensure the necessary recovery, preparation for analysis, and analysis of cultural resource materials collected during data recovery and mitigation for the project. The project owner shall maintain these files for a period of at least five (5) years after completion of the Final Cultural Resources Report and the files shall be kept available for periodic audit by the CPM.

CUL-11 The project owner shall ensure preparation of a Preliminary Cultural Resource Report following completion of data recovery and site mitigation work. The preliminary report is to be prepared by the designated cultural

resource specialist and the project owner shall submit the preliminary report to the CPM for review, comment, and written approval.

Protocol: The preliminary report shall include (but not be limited to): preliminary information on the survey report(s), methodology, and recommendations; site records and maps; determinations of sensitivity and significance; data recovery and other mitigation activities; discussion of possible results and findings of any analysis to be conducted on recovered cultural resource materials and data; proposed research questions which may be answered or raised by the data recovered from the project; and an estimate of the time needed to complete the analysis of recovered cultural resource materials and prepare a final report.

If no cultural resource materials are recovered during project construction, the CPM-approved Preliminary Cultural Resource Report shall also serve as the final report and shall be filed with appropriate entities, as described in Condition **CUL-14** below.

Verification: The designated cultural resource specialist shall prepare a preliminary report on the cultural resources monitoring and mitigation activities conducted for the project. The report shall be prepared within ninety (90) days following completion of the data recovery and site mitigation work. Within seven (7) days after completion of the report, the project owner shall submit a copy of the Preliminary Cultural Resources Report to the CPM for review, comment, and written approval.

CUL-12 The project owner shall ensure the preparation of a Final Cultural Resources Report by the designated cultural resource specialist, if significant or diagnostic cultural resources are found. The Final Cultural Resources Report shall be completed following completion of the analysis of the recovered cultural materials and related information.

Protocol: The Final Cultural Resources Report, shall include (but not be limited to): the survey report(s), methodology, and recommendations; site records and maps; description and inventory list of recovered cultural materials; determinations of significance and potential eligibility; data recovery and other mitigation activities; results and findings of any special analyses conducted on recovered cultural resource materials; research questions answered or raised by the data from the project; and the name and location of the public institution receiving the recovered cultural resources for curation.

Verification: The Final Cultural Resources Report shall be prepared by the designated cultural resource specialist for the project within ninety (90) days following completion of the analysis of the recovered cultural materials and preparation of related text, maps, tables, charts, photos, etc.. Within seven (7) days

after completion of the report, the project owner shall submit a copy of the Final Cultural Resources Report to the CPM for review and approval.

CUL-13 The project owner shall submit an original, an original-quality copy, or a computer disc copy of the CPM-approved Final Cultural Resources Report to the public institution receiving the recovered data and materials for curation, to the SHPO, and to the appropriate regional archaeological information center(s). If the final report is submitted to these entities on a computer disc, the disc files must meet SHPO requirements for format and content. A legible copy of the approved final report shall be filed with the Commission CPM, with a request for confidentiality if needed to protect any sensitive resources or sites.

Protocol: The copies of the Final Cultural Resources Report to be sent to the curating institution, the SHPO, and the regional information center(s) shall include the following (as applicable to the project findings set forth in the final report): clean and reproducible original copies of all text; originals of any topographic maps showing site and resource locations; original or clear copies of drawings of significant or diagnostic cultural resource materials found during pre-construction surveys, during project-related monitoring, data recovery, and mitigation; and photographs of the site(s) and the various cultural resources materials recovered during project monitoring and mitigation and subjected to post-recovery analysis and evaluation. The project owner shall provide the curating institution with a set of negatives for all of these photographs.

Verification: The project owner shall maintain, in its compliance files, copies of all documentation related to the filing of the original materials and the Commission-approved Final Cultural Resources Report with the public institution receiving the recovered data and materials for curation, the SHPO, and the appropriate archaeological information center(s). If no significant cultural resources were recovered, then the preliminary report shall serve as the final report and copies of the preliminary report shall be filed with these same agencies.

CUL-14 Following the filing of the CPM-approved Final Cultural Resources Report with the appropriate entities, the project owner shall deliver for curation all cultural resources materials, maps and data collected during data recovery and mitigation for the project. The materials shall be delivered for curation into a public repository that meets the US Secretary of Interior requirements for the curation of cultural resources.

Verification: All recovered cultural resources materials shall be delivered for curation within thirty (30) days following the filing of the CPM-approved Final Cultural Resources Report. The project owner shall maintain, in its project history or compliance files, copies of signed contracts or agreements with the museum(s), university(ies), or other appropriate public repository(ies) to which the project owner

has delivered for curation all cultural resources materials collected during data recovery and mitigation for the project.

PALEONTOLOGICAL RESOURCES

PAL-1 Prior to the start of any project-related construction activities (defined as any construction-related vegetation clearance, ground disturbance and preparation, and site excavation activities), the project owner shall ensure that the designated paleontological resources specialist approved by the Energy Commission Compliance Project Manager (CPM) is available for field activities and prepared to implement the Conditions of Certification.

The designated paleontological resources specialist shall be responsible for implementing all the Conditions of Certification and for using qualified personnel to assist in this work.

Protocol: The project owner shall provide the CPM with the name and statement of qualifications for the designated paleontological resources specialist.

1. The statement of qualifications for the designated paleontological resource specialist shall demonstrate that the specialist meets the following minimum qualifications: a degree in paleontology, geology, or paleontological resource management; at least three years of paleontological resource mitigation and field experience in California, including at least one year's experience leading paleontological resource mitigation and field activities.
2. The statement of qualifications shall include a list of specific projects the specialist has previously worked on; the role and responsibilities of the specialist for each project listed; and the names and phone numbers of contacts familiar with the specialist's work on these referenced projects.
3. If the CPM determines that the qualifications of the proposed paleontological resources specialist are not in concert with the above requirements, the project owner shall submit another individual's name and qualifications for consideration.
4. If the approved, designated paleontological resources specialist is replaced prior to completion of project mitigation, the project owner shall obtain CPM approval of the new designated paleontological resources specialist by submitting the name and qualifications of the proposed replacement to the CPM, at least ten (10) days prior to the termination or release of the preceding designated paleontological resources specialist. Should emergency replacement of the designated specialist become necessary, the project owner shall immediately notify the CPM to discuss the qualifications of its proposed replacement specialist.

Verification: At least ninety (90) days prior to the start of construction on the project, the project owner shall submit the name and resume and the availability for its designated paleontological resources specialist to the CPM for review and approval. The CPM shall provide written approval or disapproval of the proposed paleontological resources specialist.

At least ten (10) days prior to the termination or release of a designated paleontological resource specialist, the project owner shall obtain CPM approval of the replacement specialist by submitting to the CPM the name and resume of the proposed new designated paleontological resource specialist. Should emergency replacement of the designated specialist become necessary, the project owner shall immediately notify the CPM to discuss the qualifications of its proposed replacement specialist.

PAL-2 Prior to the start of project construction, the designated paleontological resource specialist shall prepare a Paleontological Resources Monitoring and Mitigation Plan to identify general and specific measures to minimize potential impacts to sensitive paleontological resources, and submit this plan to the CPM for review and approval. After CPM approval, the project owner's designated paleontological resource specialist shall be available to implement the Monitoring and Mitigation Plan as needed throughout project construction.

Protocol: The Paleontological Resources Monitoring and Mitigation Plan shall include, but not be limited to, the following elements and measures:

1. A discussion of the sequence of project-related tasks, such as any pre-construction surveys, fieldwork, flagging, or staking; construction monitoring; mapping and data recovery; fossil preparation and recovery; identification and inventory; preparation of final reports; and transmittal of materials for curation.
2. Identification of the person(s) expected to assist with each of the tasks identified in (a), above, and a discussion of the mitigation team leadership and organizational structure, and the inter-relationship of tasks and responsibilities.
3. Where monitoring of project construction activities is deemed necessary, the extent of the areas where monitoring is to occur and a schedule for the monitoring.
4. An explanation that the designated paleontological resources specialist shall have the authority to halt or redirect construction in the immediate vicinity of a vertebrate fossil find until the significance of the find can be determined.
5. A discussion of equipment and supplies necessary for recovery of fossil materials and any specialized equipment needed to prepare, remove, load, transport, and analyze large-sized fossils or extensive fossil deposits.

6. Inventory, preparation, and delivery for curation into a retrievable storage collection, in a public repository or museum which meets the Society of Vertebrate Paleontologists standards and requirements for the curation of paleontological resources.
7. Identification of the institution that has agreed to receive any data and fossil materials recovered during project-related monitoring and mitigation work; discussion of any requirements or specifications for materials delivered for curation and how they will be met; and the name and phone number of the contact person at the institution.

Verification: At least sixty (60) days prior to the start of construction on the project, the project owner shall provide the CPM with a copy of the Monitoring and Mitigation Plan prepared by the designated paleontological resource specialist for review and approval. If the plan is not approved, the project owner, the designated paleontological resources specialist, and the CPM shall meet to discuss comments and negotiate necessary changes.

PAL-3 Prior to the start of project construction, the designated paleontological resources specialist shall prepare and conduct an employee training program for all site workers. The project owner shall submit the paleontological resources training program to the CPM for review and approval.

Protocol: The paleontological training program shall discuss the potential to encounter fossil resources in the field, the sensitivity and importance of these resources, and the legal obligations to preserve and protect such resources.

The training shall also include the set of reporting procedures that workers are to follow if paleontological resources are encountered during project activities. The training program shall be presented by the designated paleontological resource specialist and may be combined with other training programs prepared for cultural and biological resources, hazardous materials, or any other areas of interest or concern.

Verification: At least thirty days (30) prior to the start of project construction, the project owner shall submit to the CPM (or designee) for review, comment, and written approval, the proposed employee training program and the set of reporting procedures the workers are to follow if paleontological resources are encountered during project construction.

If the employee training program and set of procedures are not approved, the project owner, the designated paleontological resources specialist, and the CPM shall meet to discuss comments and negotiate necessary changes before the beginning of construction.

PAL-4 Prior to the start of construction, and throughout the project construction period as needed for all new employees, the project owner and the designated paleontological resource specialist shall provide the CPM-approved training to all project managers, construction supervisors, and workers who operate ground disturbing equipment. The project owner and construction manager shall provide the workers with the CPM-approved set of procedures for reporting any sensitive paleontological resources or deposits that may be discovered during project-related ground disturbance.

Verification: Prior to the start of construction, and throughout the project construction period as needed for all new employees, the project owner and the designated paleontological resources specialist shall present the CPM-approved paleontological resources training program. The project owner shall provide documentation to the CPM in the Monthly Compliance Report that the employee training and the set of procedures have been provided to all project managers, construction supervisors, and all workers. Documentation for training of additional new employees shall be provided in subsequent Monthly Compliance Reports, as appropriate.

PAL-5 The designated paleontological resource specialist shall be present at all times he or she deems appropriate to monitor construction-related grading, excavation, trenching, and/or augering in areas where potentially fossil-bearing sediments have been identified.

If the designated paleontological resources specialist determines that full-time monitoring is not necessary in certain portions of the project area or along portions of the linear facility routes, the designated specialist shall notify the project owner.

Verification: The project owner shall include in the Monthly Compliance Reports a summary of paleontological activities conducted by the designated paleontological resource specialist.

PAL-6 The project owner, through the designated paleontological resource specialist, shall ensure recovery, preparation for analysis, analysis, identification and inventory, the preparation for curation, and the delivery for curation of all significant paleontological resource materials encountered and collected during the monitoring, data recovery, mapping, and mitigation activities related to the project.

Verification: The project owner shall maintain in its compliance files copies of signed contracts or agreements with the designated paleontological resource specialist and other qualified research specialists who will ensure the necessary data and fossil recovery, mapping, preparation for analysis, analysis, identification and inventory, and preparation for and delivery of all significant paleontological resource materials collected during data recovery and mitigation for the project.

The project owner shall maintain these files for a period of three (3) years after completion and approval of the CPM-approved Final Paleontological Resources Report and shall keep these files available for periodic audit by the CPM.

PAL-7 The project owner shall ensure preparation of a Paleontological Resources Report by the designated paleontological resources specialist. The Paleontological Resource Report shall be completed following completion of the analysis of the recovered fossil materials and related information. The project owner shall submit the paleontological report to the CPM for approval.

Protocol: The report shall include (but not be limited to) a description and inventory list of recovered fossil materials; a map showing the location of paleontological resources encountered; determinations of sensitivity and significance; and a statement by the paleontological resources specialist that project impacts to paleontological resources have been mitigated.

Verification: The Paleontological Resources Report shall be submitted under a cover letter stating that it is a confidential document. The report is to be prepared by the designated paleontological resources specialist within ninety (90) days following completion of the analysis of the recovered fossil materials. The project owner shall submit a copy of the Paleontological Resources Report to the CPM for review and approval.

PAL-8 The project owner shall include, in the facility closure plan, a description regarding the potential of the closure activities to impact paleontological resources. If no activities are proposed that would potentially impact paleontological resources, then no mitigation measures for paleontological resource management are required. The conditions for closure will be determined when a facility closure plan is submitted to the CPM twelve months prior to closure of the facility.

Protocol: The closure requirements for paleontological resources are to be based upon the Paleontological Resources Report and the proposed grading activities for closure.

Verification: The project owner shall include a description of closure activities described above in the facility closure plan.

LAND USE

No General Conditions of Certification.

SOCIOECONOMICS

SOCIO-1 The project owner shall pay the statutory school impact development fee as required at the time of filing for the “in-lieu” building permit with the County Department of Engineering and Survey Services and Building Inspection.

Verification: The project owner shall provide proof of payment of the statutory development fee in the next Monthly Compliance Report following the payment.

SOCIO-2 The project owner and its contractors and subcontractors shall recruit employees and procure materials and supplies within the County where the project is located first, and from adjacent counties second, unless:

- to do so will violate federal and/or state statutes;
- the materials and/or supplies are not available; or
- qualified employees for specific jobs or positions are not available; or
- there is a reasonable basis to hire someone for a specific position from outside the local area.

Verification: At least 60 days prior to the start of construction, the project owner shall submit to the Energy Commission Compliance Project Manager (CPM) copies of contractor, subcontractor, and vendor solicitations and guidelines stating hiring and procurement requirements and procedures. In addition, the project owner shall notify the Energy Commission CPM in each Monthly Compliance Report of the reasons for any planned procurement of materials or hiring outside the local regional area that will occur during the next two months. The Energy Commission CPM shall review and comment on the submittal as needed.

VISUAL RESOURCES

VIS-1 Prior to first electricity generation, the project owner shall treat all project structures and transmission lines identified in the treatment plan in non-reflective colors to blend with the existing visual setting.

- a. Prior to treatment of any project structures and transmission lines, the project owner shall submit a treatment plan for the project to the California Energy Commission Compliance Project Manager (CPM) for review and approval.

The treatment plan shall include:

- specification and 11” x 17” color simulations of the treatment proposed for use on project structures, including structures treated during manufacture;

- a detailed schedule for completion of the treatment; and,
 - a procedure to ensure proper treatment maintenance for the life of the project.
- b. If the CPM notifies the project owner that revisions of the plan are needed before the CPM will approve the plan, the project owner shall submit to the CPM a revised plan.
 - c. After approval of the plan by the CPM, the project owner shall implement the plan according to the schedule and shall ensure that the treatment is properly maintained for the life of the project.
 - d. For any structures that are treated during manufacture, the project owner shall not specify the treatment of such structures to the vendors until the project owner receives notification of approval of the treatment plan by the CPM.
 - e. The project owner shall not perform the final treatment on any structures until the project owner receives notification of approval of the treatment plan from the CPM.
 - f. The project owner shall notify the CPM within one (1) week after all pre-colored structures have been erected and all structures to be treated in the field have been treated that the structures are ready for inspection.

Verification: Not later than sixty (60) days prior to ordering any structures that are to be color treated during manufacture, the project owner shall submit its proposed plan to the CPM for review and approval. If the CPM notifies the project owner that any revisions of the plan are needed before the CPM will approve the plan, the project owner shall submit to the CPM a revised plan within thirty (30) days of receiving that notification.

Not less than thirty (30) days prior to first electricity generation, the project owner shall notify the CPM that all structures treated during manufacture and all structures treated in the field are ready for inspection. The project owner shall provide a status report regarding treatment maintenance in the Annual Compliance Report.

VIS-2 All project fencing shall be non-reflective.

- a. Prior to ordering the fencing the project owner shall submit to the CPM for review and approval the specifications for the fencing documenting that such fencing will be non-reflective.
- b. If the CPM notifies the project owner that specification revisions are needed before the CPM will approve the submittal, the project owner shall submit to the CPM revised specifications.**
- c. The project owner shall not order any project fencing until the project owner receives approval of the fencing specifications from the CPM.
- d. The project owner shall notify the CPM after the fencing has been installed and is ready for inspection.

Verification: At least thirty (30) days prior to ordering any non-reflective fencing, the project owner shall submit the specifications to the CPM for review and approval. If the CPM notifies the project owner that specification revisions are needed, the project owner shall prepare and submit to the CPM revised specifications for CPM review and approval within thirty (30) days of receiving that notification.

The project owner shall notify the CPM, in the next Monthly Compliance Report following installation of the fencing, that the fencing is ready for inspection.

VIS-3 The project owner shall design and install all lighting such that light bulbs and reflectors are not visible from public viewing areas and illumination of the vicinity and the nighttime sky is minimized.

- a. Prior to first electricity generation, the project owner shall develop and submit a lighting plan for the project to the CPM for review and approval.

The lighting plan shall require that:

- Lighting is designed so that exterior light fixtures are hooded, with lights directed downward or toward the area to be illuminated and so that backscatter to the nighttime sky is minimized;
 - The design of outdoor lighting shall be such that the luminescence or light source is shielded to prevent light trespass outside the project boundary; and
 - High illumination areas not occupied on a continuous basis such as maintenance platforms or the main entrance are provided with switches or motion detectors to light the area only when occupied.
- b. If the CPM notifies the project owner that revisions of the plan are needed before the CPM will approve the plan, the project owner shall prepare and submit to the CPM a revised plan.
 - c. Lighting shall not be installed before the plan is approved. The project owner shall notify the CPM when the lighting has been installed and is ready for inspection.
 - d. A lighting complaint resolution form (following the general format of that in Attachment 1) shall be used by plant operations to record all lighting complaints received and document the resolution of those complaints. All records of lighting complaints shall be kept in the on-site compliance file.

Verification: At least sixty (60) days before ordering the exterior lighting, the project owner shall provide the lighting plan to the CPM for review and approval. If the CPM notifies the project owner that any revisions of the plan are needed, the project owner shall submit to the CPM, for review and approval, a revised plan within thirty (30) days of receiving that notification.

The project owner shall notify the CPM in the next Monthly Compliance Report that the exterior lighting installation is complete and ready for inspection.

Any lighting complaints received, and the outcome of those complaints, shall be described in the next Monthly or Annual Compliance Report, as appropriate.

VIS-4 Prior to the start of commercial operation, the project owner shall implement a landscape plan that meets the requirements of the County Zoning Code and provides a continuous screen of the power plant from sensitive view areas.

- a. The project owner shall submit to the CPM for review and approval a specific plan describing its landscaping proposal, stating that it conforms to the County's Zoning Code. The plan shall include, but not be limited to:
 - a detailed landscape plan, at a reasonable scale, which includes a list of proposed tree and shrub species and sizes and a discussion of the suitability of the plants for the site conditions and mitigation objectives;
 - maintenance procedures, including any needed irrigation;
 - a procedure for replacing unsuccessful plantings; and
 - a cost estimate for landscaping.
- b. If the CPM notifies the project owner that plan revisions are needed, the project owner shall prepare and submit to the CPM a revised plan for CPM approval.
- c. The trees and shrubs shall not be planted before the plan is approved. The project owner shall notify the CPM when the trees and shrubs have been planted and are ready for inspection.

Verification: At least ninety (90) days prior to the start of commercial operation, the project owner shall submit the proposed landscape plan, including a letter or other document from the County, if any, to the CPM for review and approval. The CPM will respond to the project owner within fifteen (15) days of receipt of the landscaping plan.

The project owner shall submit any required revisions within fifteen (15) days of notification by the CPM. The CPM will respond to the project owner within fifteen (15) days of receipt of the revised documents. The project owner shall notify the CPM in the next Monthly Compliance Report following completion of the proposed planting that the planting is ready for inspection.

NOISE

NOISE-1 At least fifteen (15) days prior to the start of rough grading, the project owner shall notify all residents within one mile of the commencement of construction. At the same time, the project owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the LPGP. If the telephone is not staffed 24 hours per day, the project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the LPGP site during construction in a manner visible to passersby. This telephone number shall be maintained until the project has been operational for at least one (1) year.

Verification: The project owner shall transmit to the CPM in the first Monthly Construction Report following the start of rough grading a statement, signed by the project manager, attesting that the above notification has been performed and describing the method of that notification. This statement shall also attest that the telephone number has been established and posted at the site.

NOISE-2 Throughout the construction and operation the project owner shall document, investigate, evaluate, and attempt to resolve all project related noise complaints.

The project owner shall:

1. use the Noise Complaint Resolution Form (see below for example), or functionally equivalent procedure acceptable to the CPM, to document and respond to each noise complaint;
2. attempt to contact the person(s) making the noise complaint within 24 hours;
3. conduct an investigation to determine the source of noise related to the complaint;
4. if the noise is project related, take all feasible measures to reduce the noise at its source; and
5. submit a report documenting the complaint and the actions taken. The report shall include: a complaint summary, including final results of noise reduction efforts; and if obtainable, a signed statement by the complainant stating that the noise problem is resolved to complainant's satisfaction.

Verification: Within thirty (30) days of receiving a noise complaint, the project owner shall file a copy of the Noise Complaint Resolution Form, or similar instrument approved by the CPM, with the County and with the CPM documenting the resolution of the complaint. If mitigation is required to resolve a complaint, and the complaint is not resolved within a thirty (30) day period, the project owner shall

submit an updated Noise Complaint Resolution Form when the mitigation is finally implemented.

NOISE COMPLAINT RESOLUTION FORM

<div style="text-align: center;"> <div style="border-bottom: 1px solid black; display: inline-block; width: 150px; margin-bottom: 5px;"></div> Project (____-AFC-____) </div>
NOISE COMPLAINT LOG NUMBER _____ Complainant's name and address: Phone number: _____
Date complaint received: _____ Time complaint received: _____
Nature of noise complaint:
Definition of problem after investigation by plant personnel: Date complainant first contacted: _____
Initial noise levels at 3 feet: _____ dBA Date: _____ Initial noise levels at complainant's property: _____ dBA Date: _____ Final noise levels at 3 feet: _____ dBA Date: _____ Final noise levels at complainant's property: _____ dBA Date: _____
Description of corrective measures taken: Complainant's signature: _____ Date: _____
Approximate installed cost of corrective measures: \$ _____ Date installation completed: _____ Date first letter sent to complainant: _____ (copy attached) Date final letter sent to complainant: _____ (copy attached)
This information is certified to be correct: Plant Manager's Signature: _____

Attach additional pages and supporting documentation, as required.

NOISE-3 Prior to the start of construction, the project owner shall submit to the CPM for review a noise control program. The noise control program shall be used to reduce employee exposure to high noise levels during construction and also to comply with applicable OSHA standards.

Verification: At least thirty (30) days prior to the start of rough grading, the project owner shall submit to the CPM the above referenced program. The project owner shall make the program available to OSHA upon request.

NOISE-4 If a traditional, high-pressure steam blow process is employed, the project owner shall equip steam blow piping with a temporary silencer that quiets the noise of steam blows to no greater than 110 dBA L₅₀ measured at a distance of 100 feet. The project owner shall conduct steam blows only during the hours of 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 6:00 p.m. weekends and holidays. If a modern, low-pressure continuous steam blow process is employed, the project owner shall submit a description of this process, with expected noise levels and projected hours of execution, to the CPM.

Verification: At least fifteen (15) days prior to the first high-pressure steam blow, the project owner shall submit to the CPM drawings or other information describing the temporary steam blow silencer, and a description of the steam blow schedule. At least fifteen (15) days prior to the first low-pressure continuous steam blow, the project owner shall submit to the CPM drawings or other information describing the process, including the noise levels expected and the expected time schedule for execution of the process.

NOISE-5 The project owner shall conduct a public notification program to alert residents within one mile of the site prior to the start of steam blow activities. The notification shall include a description of the purpose and nature of the steam blow(s), the proposed schedule, the expected sound levels, and the explanation that it is a one-time operation and not a part of normal plant operations.

Verification: At least fifteen (15) days prior to the first steam blow(s), the project owner shall notify all residents within one mile of the of the planned steam blow activity, and shall make the notification available to other area residents in an appropriate manner. The notification may be in the form of letters to the area residences, telephone calls, fliers, or other effective means. Within five (5) days of notifying these entities, the project owner shall send a letter to the CPM confirming that the residents have been notified of the planned steam blow activities, including a description of the method(s) of that notification.

NOISE-6 Upon the project first achieving an output of 80 percent or greater of rated capacity, the project owner shall conduct a 25-hour community noise survey, utilizing the same monitoring sites employed in the pre-

project ambient noise survey as a minimum. The survey shall also include the octave band pressure levels to ensure that no new pure-tone noise components have been introduced. No single piece of equipment shall be allowed to stand out as a dominant source of noise that draws complaints. Steam relief valves shall be adequately muffled to preclude noise that draws complaints. The noise contributed by the LPGP operations at the nearest residence shall not exceed 40 dBA L₅₀ under normal operating conditions. If the results from the survey indicate that power plant noise levels are in excess of 40 dBA L₅₀ at the nearest residence, additional mitigation measures shall be implemented to reduce noise to a level of compliance with this limit. The mitigation measures (to be employed as required) include, but are not limited to:

1. provide standard outdoor/weather enclosures for the combustion turbine generator packages;
2. provide air inlet silencers for the combustion turbines;
3. provide standard outdoor/weather enclosure for the steam turbine generator packages; and
4. install silencers for the heat recovery steam generator exhaust stacks.

Protocol: The measurement of power plant noise for purposes of demonstrating compliance with this Condition may alternatively be made at an acceptable location closer to the plant (e.g. 400 to 1,000 feet from the plant boundary) and this measured level then mathematically extrapolated to determine the plant noise contribution at the nearest sensitive receptor. However, notwithstanding the use of this alternative method for determining the noise level, the character of plant noise shall be evaluated at the nearest sensitive receptor to determine the presence of pure tones or other dominant sources of plant noise.

Verification: Within thirty (30) days after first achieving an output of 80 percent or greater of rated output, the project owner shall conduct the above described noise survey. Within thirty (30) days after completing the survey, the project owner shall submit a summary report of the survey to the County and the CPM. Included in the report will be a description of any additional mitigation measures necessary to achieve compliance with the above listed noise limits, and a schedule, subject to CPM approval, for implementing these measures. Within thirty (30) days of completion of installation of these measures, the project owner shall submit to the CPM a summary report of a new noise survey, performed as described above and showing compliance with this Condition.

NOISE-7 The project owner shall conduct an occupational noise survey to identify the noise hazardous areas in the facility. The survey shall be conducted within thirty (30) days after the facility is operating at an output of 80% of rated capacity or greater, and shall be conducted by a qualified person in accordance with the provisions of Title 8, California Code of

Regulations, sections 5095-5100 (Article 105) and Title 29, Code of Federal Regulations, Part 1910. The survey results shall be used to determine the magnitude of employee noise exposure. The project owner shall prepare a report of the survey results and, if necessary, identify proposed mitigation measures that will be employed to comply with the applicable California and federal regulations.

Verification: Within thirty (30) days after completing the survey, the project owner shall submit the noise survey report to the CPM. The project owner shall make the report available to OSHA upon request.

NOISE-8 In order to avoid adverse noise effects, any construction activity such as pile driving, excavation and grading (earth movement), concrete pour and steel erection) shall be restricted to the hours of 7 a.m. to 7 p.m. on weekdays and from 8 a.m. to 6 p.m. on weekends and holidays.

Verification: The project owner shall transmit to the CPM in the first Monthly Construction Report a statement acknowledging that the above restrictions will be observed throughout the construction of the project.

TRAFFIC AND TRANSPORTATION

TRANS-1 The project owner shall comply with CALTRANS and County limitations on vehicle sizes and weights. In addition, the project owner or its contractor shall obtain necessary transportation permits from CALTRANS and all relevant jurisdictions for roadway use.

Verification: In the Monthly Compliance Reports, the project owner shall submit copies of any oversize and overweight transportation permits received during that reporting period. In addition, the project owner shall retain copies of these permits and supporting documentation in its compliance file for at least six (6) months after the start of commercial operation.

TRANS-2 The project owner or its contractor shall comply with CALTRANS and County limitations for encroachment into public rights-of-way and shall obtain necessary encroachment permits from CALTRANS and all relevant jurisdictions.

Verification: In Monthly Compliance Reports, the project owner shall submit copies of any encroachment permits received during the reporting period. In addition, the project owner shall retain copies of these permits and supporting documentation in its compliance file for at least six (6) months after the start of commercial operation.

TRANS-3 The project owner shall ensure that permits and/or licenses are secured from the California Highway Patrol and CALTRANS for the transport of hazardous materials.

Verification: The project owner shall include in its Monthly Compliance Reports copies of all permits/licenses acquired by the project owner and/or subcontractors concerning the transport of hazardous substances.

TRANS-4 Prior to the start of construction, the project owner shall consult with the County and prepare and submit to the CPM a construction traffic control plan and implementation program which addresses the following issues:

- timing of heavy equipment and building materials deliveries;
- signing, lighting, and traffic control device placement;
- establishing construction work hours outside of peak traffic periods;
- emergency access;
- temporary travel lane closures;
- maintaining access to adjacent residential and commercial property; and
- off street employee parking in construction areas during peak construction.

Verification: At least thirty (30) days prior to start of construction, the project owner shall provide to the CPM for review and approval a copy of its construction traffic control plan and implementation program.

TRANS-5 The project owner or its contractor shall install crossing structures and netting across major thoroughfares as a safety precaution to reduce the potential for damage from falling construction materials or equipment during cable-stringing activities. Prior to start of construction, the project owner shall consult with CALTRANS, and prepare and submit to the CPM a safety plan and implementation program.

Verification: At least thirty (30) days prior to start of construction, the project owner shall provide to the CPM, for review and approval, a copy of its safety plan and implementation program.

TRANS-6 Following construction of the power plant and all related facilities, the project owner shall meet with the CPM and the County to determine the actions necessary and schedule to complete the repair of all roadways to original or as near original condition as possible.

Protocol: Protocol: At least thirty (30) days prior to start of construction, the project owner shall photograph the primary routes to be used by construction traffic. The property owner shall provide the CPM and the County with a copy of these photographs.

Verification: Within thirty (30) days of the completion of project construction, the project owner shall meet with the CPM and the County. The project owner shall provide a copy of the letter from the County acknowledging satisfactory completion of the roadway repairs in the first Annual Compliance Report following start of project operation.

SOIL AND WATER RESOURCES

SOIL&WATER-1: Prior to beginning any clearing, grading, or excavation activities associated with project construction, the project owner will develop and implement a Storm Water Pollution Prevention Plan (SWPPP).

Verification: Two (2) weeks prior to the start of construction, the project owner will submit to the Energy Commission CPM a copy of the Storm Water Pollution Prevention Plan (SWPPP).

SOIL&WATER-2: Prior to the initiation of any earth moving activities, the project owner shall submit an erosion control and revegetation plan for CPM approval. The final plan shall contain all the elements of the draft plan with changes made to address the final design of the project.

Verification: The final erosion control and revegetation plan shall be submitted to the Energy Commission CPM for approval at least thirty (30) days prior to the initiation of any earth moving activities.

SOIL&WATER-3: Prior to the start of commercial operation, the project owner must submit a notice of intent to the State Water Resources Control Board to indicate that the project will operate under provisions of the General Industrial Activity Storm Water Permit. As required by the general permit, the project owner will develop and implement a Storm Water Pollution Prevention Plan (SWPPP).

Verification: Two (2) weeks prior to the start of commercial operation, the project owner will submit to the Energy Commission CPM a copy of the Storm Water Pollution Prevention Plan (SWPPP), and a copy of the Water Quality Control Board authorization to operate under the General Permit.

HAZARDOUS MATERIALS MANAGEMENT

HAZ-1 The project owner shall not use any hazardous material in reportable quantities that is not listed in Attachment A (*NOTE THAT ATTACHMENT A WILL BE UNIQUE TO EACH PROJECT*), following these Conditions, unless approved by the CPM.

Verification: The project owner shall provide in the Annual Compliance Report a list of hazardous materials used at the facility in reportable quantities.

HAZ-2 The project owner shall submit both the Business Plan and Risk Management Plan to the CPM for review and comment, and shall also submit these plans and/or procedures to the County Fire Department for approval.

Verification: At least sixty (60) days prior to the initial delivery of any hazardous materials in reportable quantities to the facility, the project owner shall submit the Business Plan and Risk Management Plan to the CPM for review and comment. At the same time, the project owner shall submit these plans to the County Fire Department for approval. The project owner shall also submit evidence to the CPM that the County Fire Department approved of these plans, when available.

HAZ-3 The project owner shall provide a detailed Safety Management Plan (SMP) to the CPM for approval and review.

Protocol: The Safety Management Plan shall include the following: 1) a description of how each element of the SMP applies to the proposed facility; 2) an explicit chain of command (by job title on final organization chart) for each specific objective identified in the plan (for example, under "Accountability," list who will be responsible for the preparation of the specific statement of expectations, objectives and goals by senior management, daily shift logs and reports of abnormal conditions); 3) a description of how corporate management will ensure proper implementation of the SMP and ensure that production and safety are properly balanced; 4) methods that will be used to motivate employees to accomplish safety objectives; and 5) detailed procedures to address the hazards associated with human error during storage and transfer of hazardous materials.

Verification: At least sixty (60) days prior to the initial delivery of any hazardous materials in reportable quantities to the facility, the project owner shall provide a detailed Safety Management Plan as described in the Protocol section of this Condition of Certification to the CPM for review and approval.

HAZ-4 Prior to commencement of commercial operation, the project owner shall submit to the CPM for review and approval hazardous materials management plans as described below. These plans may be incorporated into the Facility Closure Plan and the On-site Contingency Plans (which are required under General Conditions of the Compliance Plan section of this Decision).

Protocol: For the event of a planned closure or an unexpected permanent closure of the facility, the On-site Contingency Plan (and the Facility Closure Plan, should one be submitted) shall address how all hazardous materials will be removed from the site in accordance with all applicable LORS.

Verification: For the event of an unexpected temporary closure of the facility, the On-site Contingency Plan shall address how the site and the hazardous materials will be secured and maintained safely for the period of closure. For the event in which the temporary closure is declared permanent by the CPM, the On-site Contingency Plan shall address how all hazardous materials will be removed from the site in accordance with all applicable LORS.

At least sixty (60) days (or other time agreed to by the CPM) prior to commencement of commercial operation, the project owner shall submit the above plans to the CPM for review and approval.

WORKER SAFETY

SAFETY-1 The project owner shall submit to the CPM a Project Construction Safety and Health Program which shall include:

- Construction Injury and Illness Prevention Program
- Construction Fire Protection and Prevention Plan
- Personal Protective Equipment Program

Protocol: The Construction Injury and Illness Prevention Program and the Personal Protective Equipment Program shall be submitted to the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) Consultation Service, for review and comment concerning compliance of the program with all applicable Safety Orders.

The Construction Fire Protection and Prevention Plan shall be submitted to the County Fire Department for review and acceptance.

Verification: At least 30 days prior to the start of construction, or a date agreed to by the CPM, the project owner shall submit to the CPM a copy of the Project Construction Safety and Health Program and the Personal Protective Equipment

Program, incorporating Cal/OSHA's Consultation Service comments. The project owner shall provide a letter from the County fire department stating that they have reviewed and accept the Construction Fire Protection and Prevention Plan.

SAFETY- 2 The project owner shall submit to the CPM a Project Operation Safety and Health Program containing the following:

- Operation Injury and Illness Prevention Plan
- Emergency Action Plan
- Operation Fire Protection Plan
- Personal Protective Equipment Program

Protocol: The Operation Injury and Illness Prevention Plan, Emergency Action Plan, and Personal Protective Equipment Program shall be submitted to the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) Consultation Service for review and comment concerning compliance of the program with all applicable Safety Orders.

The Operation Fire Protection Plan and the Emergency Action Plan shall be submitted to the County fire department for review and acceptance.

Verification: At least 30 days prior to the start of operation, the project owner shall submit to the CPM a copy of the final version of the Project Operation Safety & Health Program. It shall incorporate Cal/OSHA's Consultation Service comments, stating that they have reviewed and accepted the specified elements of the proposed Operation Safety and Health Plan.

The project owner shall notify the CPM that the Project Operation Safety and Health Program (Injury and Illness Prevention Plan, Fire Protection Plan, the Emergency Action Plan, and Personal Protective Equipment requirements), including all records and files on accidents and incidents, is present on-site and available for inspection.

SAFETY-3 The project owner shall design and install all exterior lighting to meet the requirements contained in the Visual Resources Conditions of Certification and in accordance with the American National Standards Practice for Industrial Lighting, ANSI/IES-RP-7.

Verification: Within 60 days after construction is completed, the project owner shall submit a statement to the CPM that the illuminance contained in ANSI/IES RP-7 were used as a basis for the design and installation of the exterior lighting.

FACILITY DESIGN

GEN-1 The project owner shall design, construct and inspect the project in accordance with the California Building Code (CBC)¹ and all other applicable laws, ordinances, regulations, and standards (LORS) in effect at the time initial design plans are submitted to the Chief Building Official (CBO) for review and approval. The CBC in effect is that edition that has been adopted by the California Building Standards Commission, and published at least 180 days previously.

In the event the LPGP is designed to a successor edition to the 1998 CBC, the 1998 CBC provisions identified herein shall be replaced with the applicable successor provisions.

Where, in any specific case, different sections of the code specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

Verification: Within thirty (30) days (or a lesser number of days mutually agreed to by the project owner and the CBO) after receipt of the Certificate of Occupancy, the project owner shall submit to the Compliance Project Manager (CPM) a statement of verification, signed by the responsible design engineer, attesting that all designs, construction, installation and inspection requirements of the applicable LORS and the Commission's Decision have been met for facility design. The project owner shall provide the CPM a copy of the Certificate of Occupancy in the next Monthly Compliance Report after receipt of the permit from the CBO [1998 CBC, Section 109 – Certificate of Occupancy.]

GEN-2 The project owner shall furnish to the CPM and to the CBO a schedule of facility design submittals, a Master Drawing List, and a Master Specifications List. The schedule shall contain a description and list of proposed submittal packages for design, calculations, and specifications for major structures and equipment. To facilitate audits by Commission staff, the project owner shall provide designated packages to the CPM when requested.

Verification: At least sixty (60) days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of rough grading, the project owner shall submit the schedule, a Master Drawing List, and a Master Specifications List to the CBO and to the CPM. The project owner shall provide schedule updates in the Monthly Compliance Report.

¹ All the Sections, Chapters, Appendices and Tables in these Conditions, unless otherwise stated, refer to Sections, Chapters, Appendices and Tables of the 1998 California Building Code (CBC).

GEN-3 The project owner shall make payments to the CBO for design review, plan check, and construction inspection equivalent to the fees listed in the 1998 CBC, Chapter 1, Section 107 and Table 1-A – Building Permit Fees; Appendix Chapter 33, Section 3310 and Table A-33-A – Grading Plan Review Fees, and Table A-33-B – Grading Permit Fees. If the County has adjusted the CBC fees for design review, plan check, and construction inspection, the project owner shall pay the adjusted fees.

Verification: The project owner shall make the required payments to the CBO at the time of submittal of the plans, design calculations, specifications, or soil reports. The project owner shall send a copy of the CBO's receipt of payment to the CPM in the next Monthly Compliance Report indicating that the applicable fee has been paid.

GEN-4 Prior to the start of rough grading, the project owner shall assign a California registered architect, structural engineer, or civil engineer as a resident engineer (RE) to be in general responsible charge of the project. [Building Standards Administrative Code (Cal. Code of Regs., Tit. 24, § 4-209 – Designation of Responsibilities).]

The RE may delegate responsibility for portions of the project to other registered engineers. Registered mechanical and electrical engineers may be delegated responsibility for mechanical and electrical portions of the project, respectively. A project may be divided into parts, provided each part is clearly defined as a distinct unit. Separate assignment of general responsible charge may be made for each designated part.

Protocol: The RE shall:

1. monitor construction progress to ensure compliance with LORS;
2. ensure that construction of all the facilities conforms in every material respect to the applicable LORS, approved plans, and specifications;
3. prepare documents to initiate changes in the approved drawings and specifications when directed by the project owner or as required by conditions on the project;
4. be responsible for providing the project inspectors and testing agency(ies) with complete and up-to-date set(s) of stamped drawings, plans, specifications, and any other required documents;
5. be responsible for the timely submittal of construction progress reports to the CBO from the project inspectors, the contractor, and other engineers who have been delegated responsibility for portions of the project; and

6. be responsible for notifying the CBO of corrective action or the disposition of items noted on laboratory reports or other tests as not conforming to the approved plans and specifications.

The RE shall have the authority to halt construction and to require changes or remedial work if the work does not conform to applicable requirements.

If the RE or the delegated engineers are reassigned or replaced, the project owner shall submit the name, qualifications, and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer.

Verification: At least thirty (30) days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of rough grading, the project owner shall submit to the CBO for review and approval the name, qualifications, and registration number of the RE and any other delegated engineers assigned to the project. The project owner shall notify the CPM of the CBO's approval(s) of the RE and other delegated engineer(s) within five (5) days of the approval(s).

If the RE or the delegated engineer(s) are subsequently reassigned or replaced, the project owner has five (5) days in which to submit the name, qualifications, and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer within five (5) days of the approval.

GEN-5 Prior to the start of rough grading, the project owner shall assign at least one of each of the following California registered engineers to the project: a) a civil engineer; b) a geotechnical engineer or a civil engineer experienced and knowledgeable in the practice of soils engineering; c) a design engineer who is either a structural engineer or a civil engineer who is fully competent and proficient in the design of power plant structures and equipment supports; d) a mechanical engineer; and e) an electrical engineer. [California Business and Professions Code, Section 6704 et seq., and sections 6730 and 6736; requires state registration to practice as a civil engineer or structural engineer in California.]

The tasks performed by the civil, mechanical, electrical, or design engineers may be divided between two or more engineers, as long as each engineer is responsible for a particular segment of the project (e.g. proposed earthwork, civil structures, power plant structures, equipment support). No segment of the project shall have more than one responsible engineer. The transmission line may be the responsibility of a separate California registered electrical engineer.

The project owner shall submit to the CBO for review and approval the names, qualifications, and registration numbers of all engineers assigned to the project. [1998 CBC, section 104.2 – Powers and Duties of Building Official.]

If any one of the designated engineers is subsequently reassigned or replaced, the project owner shall submit the name, qualifications, and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer.

Protocol: The following protocols shall apply:

A. The civil engineer shall:

- design (or be responsible for the design), stamp, and sign all plans, calculations, and specifications for proposed site work, civil works, and related facilities. At a minimum, these include: grading, site preparation, excavation, compaction, construction of secondary containment, foundations, erosion and sedimentation control structures, drainage facilities, underground utilities, culverts, site access roads, and sanitary sewer systems; and
- provide consultation to the RE during the construction phase of the project, and recommend changes in the design of the civil works facilities and changes in the construction procedures.

B. The geotechnical engineer or civil engineer experienced and knowledgeable in the practice of soils engineering shall:

- review all the engineering geology reports, and prepare the final soils grading report;
- prepare the soils engineering reports required by the 1998 CBC, Appendix Chapter 33, Section 3309.5 – Soils Engineering Report, and Section 3309.6 – Engineering Geology Report;
- be present, as required, during site grading and earthwork to provide consultation and monitor compliance with the requirements set forth in the 1998 CBC, Appendix Chapter 33, Section 3317 – Grading Inspections;
- recommend field changes to the civil engineer and RE;
- review the geotechnical report, field exploration report, laboratory tests, and engineering analyses detailing the nature and extent of the site soils that may be susceptible to liquefaction, rapid settlement, or collapse when saturated under load; and
- prepare reports on foundation investigation to comply with the 1998 CBC, Chapter 18, Section 1804 – Foundation Investigations.

This engineer shall be authorized to halt earthwork and to require changes if site conditions are unsafe or do not conform with predicted conditions used as a basis for design of earthwork or foundations.
[1998 CBC, Section 104.2.4 – Stop orders.]

C. The design engineer shall:

- be directly responsible for the design of the proposed structures and equipment supports;
- provide consultation to the RE during design and construction of the project;
- monitor construction progress to ensure compliance with LORS;
- evaluate and recommend necessary changes in design; and
- prepare and sign all major building plans, specifications and calculations.

D. The mechanical engineer shall be responsible for, and sign and stamp a statement with, each mechanical submittal to the CBO stating that the proposed final design plans, specifications, and calculations conform with all of the mechanical engineering design requirements set forth in the Commission Decision.

E. The electrical engineer shall:

- be responsible for the electrical design of the project; and
- sign and stamp electrical design drawings, plans, specifications, and calculations.

Verification: At least thirty (30) days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of rough grading, the project owner shall submit to the CBO for review and approval the names, qualifications, and registration numbers of all the responsible engineers assigned to the project. The project owner shall notify the CPM of the CBO's approval(s) of the engineers within five (5) days of the approval(s).

If the designated responsible engineer is subsequently reassigned or replaced, the project owner has five (5) days in which to submit the name, qualifications, and registration number of the newly assigned engineer to the CBO for review and approval. The project owner shall notify the CPM of the CBO's approval of the new engineer within five (5) days of the approval.

GEN-6 Prior to the start of an activity requiring special inspection, the project owner shall assign to the project qualified and certified special inspector(s) who shall be responsible for the special inspections required by the 1998 CBC, Chapter 17, Section 1701 – Special Inspections and Section – 1701.5 Type of Work (requiring special inspection), Section 106.3.5 – Inspection and observation program.

Protocol: The Special Inspector shall:

1. be a qualified person who shall demonstrate competence, to the satisfaction of the CBO, for inspection of the particular type of construction requiring special or continuous inspection;
2. observe the work assigned for conformance with the approved design drawings and specifications;
3. furnish inspection reports to the CBO and RE. All discrepancies shall be brought to the immediate attention of the RE for correction then, if uncorrected, to the CBO and the CPM; and,
4. submit a final signed report to the RE, CBO, and CPM stating whether the work requiring special inspection was, to the best of the inspector's knowledge, in conformance with the approved plans and specifications and the applicable provisions of the applicable edition of the CBC.

A certified weld inspector [certified American Welding Society (AWS) and/or American Society of Mechanical Engineers (ASME) as applicable] shall inspect welding performed on-site requiring special inspection (including structural, piping, tanks and pressure vessels).

Protocol: At least fifteen (15) days prior to the start of an activity requiring special inspection, the project owner shall submit to the CBO for review and approval, with a copy to the CPM, the name(s) and qualifications of the certified weld inspector(s), or other certified special inspector(s) assigned to the project to perform one or more of the duties set forth above. The project owner shall also submit to the CPM a copy of the CBO's approval of the qualifications of all special inspectors in the next Monthly Compliance Report.

If the special inspector is subsequently reassigned or replaced, the project owner has five (5) days in which to submit the name and qualifications of the newly assigned special inspector to the CBO for approval. The project owner shall notify the CPM of the CBO's approval of the newly assigned inspector within five (5) days of the approval.

GEN-7 The project owner shall keep the CBO informed regarding the status of construction. If any discrepancy between design and construction is discovered during construction, the project owner shall prepare and submit a non-conformance report (NCR) describing the nature of the discrepancy to the CBO. The NCRs shall reference this Condition of Certification, and applicable sections of the applicable edition of the CBC.

Verification: The project owner shall submit monthly construction progress reports to the CBO and CPM. The project owner shall transmit a copy of the CBO's approval or disapproval of any corrective action taken to resolve a discrepancy to

the CPM within fifteen (15) days. If disapproved, the project owner shall advise the CPM, within five (5) days, of the reason for disapproval and the revised corrective action to obtain CBO's approval.

GEN-8 The project owner shall obtain the CBO's final approval of all completed work. The project owner shall request the CBO to inspect the completed structure and review the submitted documents. When the work and the "as-built" and "as graded" plans conform to the approved final plans, the project owner shall notify the CPM regarding the CBO's final approval. The marked up "as-built" drawings for the construction of structural and architectural work shall be submitted to the CBO. Changes approved by the CBO shall be identified on the "as-built" drawings. [1998 CBC, Section 108 – Inspections.]

Verification: Within fifteen (15) days of the completion of any work, the project owner shall submit to the CBO, with a copy to the CPM, (a) a written notice that the completed work is ready for final inspection, and (b) a signed statement that the work conforms to the final approved plans.

GEN-9 The project owner shall file a closure/decommissioning plan with the CPM and the County for review and approval at least twelve (12) months (or other mutually agreed to time) prior to commencing the closure activities.

Protocol: The closure plan shall include a discussion of the following:

1. the proposed closure/decommissioning activities for the project and all appurtenant facilities constructed as part of the project;
2. all applicable LORS, all local/regional plans, and a discussion of the conformance of the proposed decommissioning activities to the applicable LORS and local/regional plans;
3. activities necessary to restore the site if the decommissioning plan requires removal of all equipment and appurtenant facilities; and
4. closure/decommissioning alternatives, other than complete restoration of the site.

Verification: At least twelve (12) months prior to closure or decommissioning activities, the project owner shall file a copy of the closure/decommissioning plan with the County and the CPM for review and approval.

GEO-1 Prior to the start of construction, the project owner shall assign to the project an engineering geologist(s), certified by the State of California, to carry out the duties required by the 1998 CBC, Appendix Chapter 33, Section 3309.4. The certified engineering geologist(s) assigned must be approved by the CPM (the functions of the engineering geologist can be performed by the responsible geotechnical engineer, if that person has the appropriate California license).

Verification: At least thirty (30) days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of construction, the project owner shall submit to the CBO for approval the name(s) and license number(s) of the certified engineering geologist(s) assigned to the project. The submittal shall include a statement that CBO approval is needed. The CBO will approve or disapprove of the engineering geologist(s) and will notify the project owner and CPM of its findings within fifteen (15) days of receipt of the submittal.

If the engineering geologist(s) is subsequently replaced, the project owner shall submit for approval the name(s) and license number(s) of the newly assigned individual to the CBO and CPM. The CBO will approve or disapprove of the engineering geologist(s) and will notify the project owner and the CPM of the findings within fifteen (15) days of receipt of the notice of personnel change.

GEO-2 The assigned engineering geologist shall carry out the duties required by the 1998 CBC, Appendix Chapter 33, Section 3309.4 – Engineered Grading Requirement, and Section 3318.1 – Final Reports. Those duties are:

1. Prepare the Engineering Geology Report. This report shall accompany the Plans and Specifications when applying to the CBO for the grading permit.
2. Monitor geologic conditions during construction.
3. Prepare the Final Geologic Report.

Protocol: The Engineering Geology Report required by the 1998 CBC, Appendix Chapter 33, Section 3309.3 Grading Designation, shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and an opinion on the adequacy, for the intended use, of the site as affected by geologic factors.

The Final Geologic Report to be completed after completion of grading, as required by the 1998 CBC, Appendix Chapter 33, Section 3318.1, shall contain a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved Engineering Geology Report and applicable provisions of this chapter.

Verification: (1) Within fifteen (15) days after submittal of the application(s) for grading permit(s) to the CBO, the project owner shall submit a signed statement to

the CPM stating that the Engineering Geology Report has been submitted to the CBO as a supplement to the plans and specifications and that the recommendations contained in the report are incorporated into the plans and specifications. (2) Within ninety (90) days following completion of the final grading, the project owner shall submit copies of the Final Geologic Report required by the 1998 CBC, Appendix Chapter 33, Section 3318 Completion of Work, to the CPM and the CBO.

CIVIL-1 Prior to the start of site grading, the project owner shall submit to the CBO for review and approval the following:

1. design of the proposed drainage structures and the grading plan;
2. an erosion and sedimentation control plan;
3. related calculations and specifications, signed and stamped by the responsible civil engineer; and
4. soils report as required by the 1998 CBC, Appendix Chapter 33, Section 3309.5 – Soils Engineering Report and Section 3309.6 – Engineering Geology Report.

Verification: At least fifteen (15) days prior to the start of site grading, the project owner shall submit the documents described above to the CBO for review and approval. In the next Monthly Compliance Report following the CBO's approval, the project owner shall submit a written statement certifying that the documents have been approved by the CBO.

CIVIL-2 The resident engineer shall, if appropriate, stop all earthwork and construction in the affected areas when the responsible geotechnical engineer or civil engineer experienced and knowledgeable in the practice of soils engineering identifies unforeseen adverse soil or geologic conditions. The project owner shall submit modified plans, specifications, and calculations to the CBO based on these new conditions. The project owner shall obtain approval from the CBO before resuming earthwork and construction in the affected area. [1998 CBC, Section 104.2.4 – Stop orders.]

Verification: The project owner shall notify the CPM, within five (5) days, when earthwork and construction is stopped as a result of unforeseen adverse geologic/soil conditions. Within five (5) days of the CBO's approval, the project owner shall provide to the CPM a copy of the CBO's approval to resume earthwork and construction in the affected areas.

CIVIL-3 The project owner shall perform inspections in accordance with the 1998 CBC, Section 108 – Inspections, Chapter 17, Section 1701.6 – Continuous and periodic special inspection and Appendix Chapter 33,

Section 3317 – Grading inspection. All plant site-grading operations shall be subject to inspection by the CBO and the CPM.

If, in the course of inspection, it is discovered that the work is not being done in accordance with the approved plans, the discrepancies shall be reported immediately to the resident engineer, the CBO, and the CPM. The project owner shall prepare a written report detailing all discrepancies and non-compliance items, and the proposed corrective action, and send copies to the CBO and the CPM.

Verification: Within five (5) days of the discovery of any discrepancies, the resident engineer shall transmit to the CBO and the CPM a non-conformance report (NCR), and the proposed corrective action. Within five (5) days of resolution of the NCR, the project owner shall submit the details of the corrective action to the CBO and the CPM. A list of NCRs for the reporting month shall also be included in the following Monthly Compliance Report.

CIVIL-4 After completion of finished grading and erosion and sedimentation control and drainage facilities, the project owner shall obtain the CBO's approval of the final "as-graded" grading plans and final "as-built" plans for the erosion and sedimentation control facilities. [1998 CBC, Section 109 – Certificate of Occupancy.]

Verification: Within thirty (30) days (or a lesser number of days mutually agreed to by the project owner and the CBO) of the completion of the erosion and sedimentation control mitigation and drainage facilities, the project owner shall submit to the CBO the responsible civil engineer's signed statement that the installation of the facilities and all erosion control measures were completed in accordance with the final approved combined grading plans, and that the facilities are adequate for their intended purposes. The project owner shall submit a copy of this report to the CPM in the next Monthly Compliance Report.

STRUC-1 Prior to the start of any increment of construction, the project owner shall submit to the CBO for review and approval the applicable designs, plans, and drawings, and a list of those project structures, components, and major equipment items that will undergo dynamic structural analysis. Designs, plans, and drawings shall be those for:

1. major project structures;
2. major foundations, equipment supports, and anchorages;
3. large field fabricated tanks;
4. turbine/generator pedestals; and
5. switchyard structures.

Protocol: The project owner shall:

1. obtain agreement with the CBO on the list of those structures, components, and major equipment items to undergo dynamic structural analysis;
2. meet the pile design requirements of the 1998 CBC. Specifically, Section 1807 – General Requirements, Section 1808 – Specific Pile Requirements, and Section 1809 – Foundation Construction (in seismic zones 3 and 4);
3. obtain approval from the CBO for the final design plans, specifications, calculations, soils reports, and applicable quality control procedures. If there are conflicting requirements, the more stringent shall govern (i.e., highest loads, or lowest allowable stresses shall govern). All plans, calculations, and specifications for foundations that support structures shall be filed concurrently with the structure plans, calculations, and specifications [1998 CBC, Section 108.4 – Approval Required];
4. submit to the CBO the required number of copies of the structural plans, specifications, calculations, and other required documents of the designated major structures at least ninety (90) days prior to the start of on-site fabrication and installation of each structure, equipment support, or foundation [1998 CBC, Section 106.4.2 – Retention of plans and Section 106.3.2 – Submittal documents.]; and
5. ensure that the final plans, calculations, and specifications clearly reflect the inclusion of approved criteria, assumptions, and methods used to develop the design. The final designs, plans, calculations, and specifications shall be signed and stamped by the responsible design engineer. [1998 CBC, Section 106.3.4 – Architect or engineer of record.]

Verification: At least thirty (30) days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of any increment of construction, the project owner shall submit to the CBO, with a copy to the CPM, the responsible design engineer's signed statement that the final design plans, specifications, and calculations conform with all of the requirements set forth in the Commission's Decision.

If the CBO discovers non-conformance with the stated requirements, the project owner shall resubmit the corrected plans to the CBO within twenty (20) days of receipt of the nonconforming submittal, with a copy of the transmittal letter to the CPM.

The project owner shall submit to the CPM a copy of a statement from the CBO that the proposed structural plans, specifications, and calculations have been approved and are in conformance with the requirements set forth in the applicable LORS.

STRUC-2 The project owner shall submit to the CBO the required number of sets of the following:

1. concrete cylinder strength test reports (including date of testing, date sample taken, design concrete strength, tested cylinder strength, age of test, type and size of sample, location and quantity of concrete placement from which sample was taken, and mix design designation and parameters);
2. concrete pour sign-off sheets;
3. bolt torque inspection reports (including location of test, date, bolt size, and recorded torques);
4. field weld inspection reports (including type of weld, location of weld, inspection of non-destructive testing (NDT) procedure and results, welder qualifications, certifications, qualified procedure description or number [ref: AWS]; and
5. reports covering other structure activities requiring special inspections shall be in accordance with the 1998 CBC, Chapter 17, Section 1701 – Special Inspections, Section 1701.5 – Type of Work (requiring special inspection), Section 1702 – Structural Observation and Section 1703 – Nondestructive Testing.

Verification: If a discrepancy is discovered in any of the above data the project owner shall, within five (5) days, prepare and submit an NCR describing the nature of the discrepancies to the CBO, with a copy of the transmittal letter to the CPM. The NCR shall reference the Condition(s) of Certification and applicable CBC chapter and section. Within five (5) days of resolution of the NCR, the project owner shall submit a copy of the corrective action to the CBO and the CPM.

The project owner shall transmit a copy of the CBO's approval or disapproval of the corrective action to the CPM within fifteen (15) days. If disapproved, the project owner shall advise the CPM, within five (5) days, of the reason for disapproval and the revised corrective action necessary to obtain CBO's approval.

STRUC-3 The project owner shall submit to the CBO design changes to the final plans required by the 1998 CBC, Chapter 1, Section 106.3.2 – Submittal documents, and Section 106.3.3 – Information on plans and specifications, including the revised drawings, specifications, calculations, and a complete description of, and supporting rationale for, the proposed changes, and shall give the CBO prior notice of the intended filing.

Verification: On a schedule suitable to the CBO, the project owner shall notify the CBO of the intended filing of design changes, and shall submit the required

number of sets of revised drawings and the required number of copies of the other above-mentioned documents to the CBO, with a copy of the transmittal letter to the CPM. The project owner shall notify the CPM, via the Monthly Compliance Report, when the CBO has approved the revised plans.

STRUC-4 Tanks and vessels containing quantities of toxic or hazardous materials exceeding amounts specified in Chapter 3, Table 3-E of the 1998 California Building Code (CBC) shall, at a minimum, be designed to comply with Occupancy Category 2 of the 1998 CBC. Chapter 16, Table 16-K of the 1998 CBC requires use of the following seismic design criteria: $I = 1.25$, $I_p = 1.5$ and $I_w = 1.15$.

Verification: At least thirty (30) days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of installation of the tanks or vessels containing the above specified quantities of highly toxic or explosive substances that would be hazardous to the safety of the general public if released, the project owner shall submit to the CBO for review and approval final design plans, specifications, and calculations, including a copy of the signed and stamped engineer's certification.

The project owner shall send copies of the CBO approvals of plan checks to the CPM in the following Monthly Compliance Report. The project owner shall also transmit a copy of the CBO's inspection approvals to the CPM in the Monthly Compliance Report following completion of any inspection.

MECH-1 Prior to the start of any increment of piping construction, the project owner shall submit, for CBO review and approval, the proposed final design drawings, specifications, and calculations for each plant piping system (exclude: domestic water, refrigeration systems, and small bore piping, i.e., piping and tubing with a diameter equal to or less than two and one-half inches). The submittal shall also include the applicable Quality Assurance/Quality Control (QA/QC) procedures. The project owner shall design and install all piping, other than domestic water, refrigeration, and small bore piping to the applicable edition of the CBC. Upon completion of construction of any piping system, the project owner shall request the CBO's inspection approval of said construction. [1998 CBC, Section 106.3.2 – Submittal documents, Section 108.3 – Inspection Requests.]

Protocol: The responsible mechanical engineer shall submit a signed and stamped statement to the CBO when: 1) the proposed final design plans, specifications, and calculations conform with all of the piping requirements set forth in the Commission Decision; and 2) all of the other piping systems, except domestic water, refrigeration systems, and small bore piping, have been designed, fabricated, and installed in

accordance with all applicable ordinances, regulations, laws and industry standards, including, as applicable

- American National Standards Institute (ANSI) B31.1 (Power Piping Code);
- ANSI B31.2 (Fuel Gas Piping Code);
- ANSI B31.3 (Chemical Plant and Petroleum Refinery Piping Code);
- ANSI B31.8 (Gas Transmission and Distribution Piping Code); and
- Specific City/County code.

The CBO may require the project owner, as necessary, to employ special inspectors to report directly to the CBO to monitor shop fabrication or equipment installation. [1998 CBC, Section 104.2.2 – Deputies.]

Verification: At least thirty (30) days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of any increment of piping construction, the project owner shall submit to the CBO for approval, with a copy of the transmittal letter to the CPM, the proposed final design plans, specifications, calculations, and quality control procedures for that increment of construction of piping systems, including a copy of the signed and stamped engineer's certification of conformance with the Commission Decision. The project owner shall transmit a copy of the CBO's inspection approvals to the CPM in the Monthly Compliance Report following completion of any inspection.

MECH-2 For all pressure vessels installed in the plant, the project owner shall submit to the CBO and California Occupational Safety and Health Administration (Cal-OSHA), prior to operation, the code certification papers and other documents required by the applicable LORS. Upon completion of the installation of any pressure vessel, the project owner shall request the appropriate CBO and/or Cal-OSHA inspection of said installation. [1998 CBC, Section 108.3 – Inspection Requests.]

The project owner shall:

1. ensure that all boilers and fired and unfired pressure vessels are designed, fabricated, and installed in accordance with the appropriate section of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, or other applicable code. Vendor certification, with identification of applicable code, shall be submitted for prefabricated vessels and tanks; and
2. have the responsible design engineer submit a statement to the CBO that the proposed final design plans, specifications, and calculations conform to all of the requirements set forth in the appropriate ASME Boiler and Pressure Vessel Code or other applicable codes.

Verification: At least thirty (30) days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of on-site fabrication or installation of any pressure vessel, the project owner shall submit to the CBO for review and approval final design plans, specifications, and calculations, including a copy of the signed and stamped engineer's certification, with a copy of the transmittal letter to the CPM.

The project owner shall send copies of the CBO plan check approvals to the CPM in the following Monthly Compliance Report. The project owner shall also transmit a copy of the CBO's and/or Cal-OSHA inspection approvals to the CPM in the Monthly Compliance Report following completion of any inspection.

MECH-3 Prior to the start of construction of any heating, ventilating, air conditioning (HVAC), or refrigeration system, the project owner shall submit to the CBO for review and approval the design plans, specifications, calculations, and quality control procedures for that system. Packaged HVAC systems, where used, shall be identified with the appropriate manufacturer's data sheets.

Verification: The project owner shall design and install all HVAC and refrigeration systems within buildings and related structures in accordance with the applicable edition of the CBC. Upon completion of any increment of construction, the project owner shall request the CBO's inspection and approval of said construction. The final plans, specifications, and calculations shall include approved criteria, assumptions, and methods used to develop the design. In addition, the responsible mechanical engineer shall sign and stamp all plans, drawings, and calculations and submit a signed statement to the CBO that the proposed final design plans, specifications, and calculations conform with the applicable LORS. [1998 CBC, Section 108.7 Other Inspections; Section 106.3.4 – Architect or engineer of record.]

At least thirty (30) days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of construction of any HVAC or refrigeration system, the project owner shall submit to the CBO the required HVAC and refrigeration calculations, plans, and specifications, including a copy of the signed and stamped statement from the responsible mechanical engineer certifying compliance with the applicable edition of the CBC, with a copy of the transmittal letter to the CPM.

The project owner shall send copies of CBO comments and approvals to the CPM in the next Monthly Compliance Report. The project owner shall transmit a copy of the CBO's inspection approvals to the CPM in the Monthly Compliance Report following completion of any inspection.

MECH-4 Prior to the start of each increment of plumbing construction, the project owner shall submit for the CBO's approval the final design plans, specifications, calculations, and QA/QC procedures for all plumbing systems, potable water systems, drainage systems (including sanitary drain and waste), toilet rooms, building energy conservation systems, and temperature control and ventilation systems, including water and sewer connection permits issued by the local agency. Upon completion of any increment of construction, the project owner shall request the CBO's inspection approval of said construction. [1998 CBC, Section 108.3 – Inspection Requests, Section 108.4 – Approval Required.]

The project owner shall design, fabricate, and install:

1. plumbing, potable water, all drainage systems, and toilet rooms in accordance with Title 24, California Code of Regulations, Division 5, Part 5, and the California Plumbing Code (or other relevant section(s) of the currently adopted California Plumbing Code and Title 24, California Code of Regulations); and
2. building energy conservation systems and temperature control and ventilation systems in accordance with Title 24, California Code of Regulations, Division 5, Chapter 2-53, Part 2.

The final plans, specifications, and calculations shall clearly reflect the inclusion of approved criteria, assumptions, and methods used to develop the design. In addition, the responsible mechanical engineer shall stamp and sign all plans, drawings, and calculations and submit a signed statement to the CBO that the proposed final design plans, specifications, and calculations conform with all of the requirements set forth in the Commission Decision.

Verification: At least thirty (30) days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of construction of any of the above systems, the project owner shall submit to the CBO the final design plans, specifications, and calculations, including a copy of the signed and stamped statement from the responsible mechanical engineer certifying compliance with the applicable edition of the CBC, and send the CPM a copy of the transmittal letter in the next Monthly Compliance Report.

The project owner shall transmit a copy of the CBO's inspection approvals to the CPM in the next Monthly Compliance Report following completion of that increment of construction.

ELEC-1 For the 13.8 kV and lower systems, the project owner shall not begin any increment of electrical construction until plans for that increment have been approved by the CBO. These plans, together with design changes and design change notices, shall remain on the site for one year after

completion of construction. The project owner shall request that the CBO inspect the installation to ensure compliance with the requirements of applicable LORS. [1998 CBC, Section 108.4 – Approval Required, and Section 108.3 – Inspection Requests.]

Protocol: The following activities shall be reported in the Monthly Compliance Report:

1. receipt or delay of major electrical equipment;
2. testing or energization of major electrical equipment; and
3. the number of electrical drawings approved, submitted for approval, and still to be submitted.

Verification: At least thirty (30) days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of each increment of electrical construction, the project owner shall submit to the CBO for review and approval the final design plans, specifications, and calculations, including a copy of the signed and stamped statement from the responsible electrical engineer attesting to compliance with the applicable LORS, and send the CPM a copy of the transmittal letter in the next Monthly Compliance Report.

ELEC-2 The project owner shall submit to the CBO the required number of copies of items A and B for review and approval and one copy of item C: [CBC 1998, Section 106.3.2 – Submittal documents.]

A. Final plant design plans to include:

1. one-line diagrams for the 13.8 kV, 4.16 kV and 480 V systems;
2. system grounding drawings;
3. general arrangement or conduit drawings; and
4. other plans as required by the CBO.

B. Final plant calculations to establish:

1. short-circuit ratings of plant equipment;
2. ampacity of feeder cables;
3. voltage drop in feeder cables;
4. system grounding requirements;
5. coordination study calculations for fuses, circuit breakers and protective relay settings for the 13.8 kV, 4.16 kV and 480 V systems;
6. system grounding requirements;

7. lighting energy calculations; and
 8. other reasonable calculations as customarily required by the CBO.
- C. A signed statement by the registered electrical engineer certifying that the proposed final design plans and specifications conform to requirements set forth in the Commission Decision.

Verification: At least thirty (30) days (or a lesser number of days mutually agreed to by the project owner and the CBO) prior to the start of each increment of electrical equipment installation, the project owner shall submit to the CBO for review and approval the final design plans, specifications, and calculations for the items enumerated above, including a copy of the signed and stamped statement from the responsible electrical engineer certifying compliance with the applicable LORS. The project owner shall send the CPM a copy of the transmittal letter in the next Monthly Compliance Report.

TRANSMISSION LINE SAFETY AND NUISANCE

TLSN-1 The project owner shall construct the proposed transmission line according to the requirements of GO-95 and Title 8, California Code of Regulations, sections 2700 et seq..

Verification: At least thirty (30) days before start of transmission line construction, the project owner shall submit to the Commission's Compliance Project Manager (CPM) a letter signed by a California registered electrical engineer affirming that the transmission line will be constructed according the requirements of GO-95 and Title 8, California Code of Regulations, section 2700 et seq.

TLSN-2 The project owner shall make every reasonable effort to identify and correct, on a case-specific basis, all complaints of interference with radio or television signals from operation of the line and related facilities. In addition to any transmission repairs, the relevant corrective actions shall include, but not be limited to, adjusting or modifying receivers, adjusting or repairing, replacing or adding antennas, antenna signal amplifiers, filters, or lead-in cables.

The project owner shall maintain written records, for a period of five years, of all complaints of radio or television interference attributable to operation together with the corrective action taken in response to each complaint. All complaints shall be recorded to include notations on the corrective action taken. Complaints not leading to a specific action or for which there was no resolution shall be noted and explained. The record shall be signed by the project owner and also the complainant, if possible, to indicate concurrence

with the corrective action or agreement with the justification for a lack of action.

Verification: All reports of line-related complaints shall be summarized and included in the Annual Compliance Report to the CPM.

TLSN-3 The project owner shall engage a qualified consultant to measure the strengths of the line's electric and magnetic fields before beginning construction and after the line is energized. Measurements should be made at appropriate points along the route to allow verification of design assumptions relative to field strengths. The areas to be measured should include the facility switchyard and any residences near the right-of-way.

Verification: The project owner shall file a copy of the first set of pre-project measurements with the CPM at least thirty (30) days before the start of construction. The post-project measurements shall be filed within thirty (30) days after the day the line was energized.

TLSN-4 The project owner shall ensure that the transmission line right-of-way is kept free of combustible material as required under the provisions of Public Resources Code, section 4292 and California Code of Regulations, section 1250.

Verification: The project owner shall provide a summary of inspection results and any fire prevention activities along the right-of-way in the annual compliance report.

TLSN-5 The project owner shall send a letter to all owners of property within or adjacent to the right-of-way at least sixty (60) days prior to the first transmission of electricity.

Protocol: The letter shall include the following:

- a discussion of the nature and operation of a transmission line;
- a discussion of the project owner's responsibility for grounding existing fences, gates, and other large permanent chargeable objects within the right-of-way regardless of ownership;
- a discussion of the property owner's responsibility to notify the project whenever the property owner adds or installs a metallic object which would require grounding as noted above; and
- a statement recommending against fueling motor vehicles or other mechanical equipment underneath the line.

Verification: The project owner shall submit the proposed letter to the CPM for review and approval at least thirty (30) days prior to mailing to the property owners,

and shall maintain a record of correspondence (notification and response) related to this requirement in a compliance file.

The project owner shall notify the CPM in the first Monthly Compliance Report that letters have been mailed and that copies are on file.

TLSN-6 The project owner shall ensure the grounding of any ungrounded permanent metallic objects within the right-of-way, regardless of ownership. Such objects shall include fences, gates, and other large objects. These objects shall be grounded according to procedures specified in the National Electrical Safety Code.

In the event of a refusal by the property owner to permit such grounding, the project owner shall so notify the CPM. Such notification shall include, when possible, the owner's written objection. Upon receipt of such notice, the CPM may waive the requirement for grounding the object involved.

At least ten (10) days before the line is energized, the project owner shall transmit to the CPM a letter confirming compliance with this Condition.

TRANSMISSION SYSTEM ENGINEERING

TSE-1 The project owner shall ensure that the design, construction and operation of any proposed transmission facilities conforms to requirements listed below. The substitution of Compliance Project Manager (CPM) approved equivalent equipment and equivalent switchyard configurations is acceptable.

1. The project's 230 kV switchyard shall include a one-on-one, breaker and bus configuration.
2. Breakers and bus shall be sized to comply with a short circuit analysis.
3. The transmission facilities shall meet or exceed the requirements of CPUC General Order 95.
4. Outlet line crossings and line parallels shall be coordinated with the transmission line owner and comply with the owner's standards.
5. The project owner shall provide a Detailed Facilities Study and an executed facility Interconnection Agreement for the transmission interconnection. The Detailed Facilities Study and Interconnection Agreement shall be coordinated with the Cal ISO.
6. The Project shall participate in existing transmission remedial action schemes and in any new remedial action schemes developed by the utility and the Cal ISO to ensure compliance with the Cal ISO's reliability criteria.

Verification: At least sixty (60) days prior to start of construction of transmission facilities, the project owner shall submit for approval to the CPM electrical one-line diagrams signed and sealed by a registered professional electrical engineer in responsible charge, a route map, and an engineering description of equipment and the configurations covered by requirements 1 through 6 above. Substitution of equipment and substation configurations shall be identified and justified by the project owner for CPM approval.

TSE-2 The project owner shall inform the CPM of any impending changes which may not conform to the requirements 1a through 1f of **TSE-1**, and have not received CPM approval, and request approval to implement such changes. A detailed description of the proposed change and complete engineering, environmental, and economic rationale for the change shall accompany the request. Construction involving changed equipment or switchyard configurations shall not begin without prior written approval of the changes by the CPM.

Verification: At least sixty (60) days prior to construction of transmission facilities, the project owner shall inform the CPM of any impending changes which may not conform to requirements of **TSE-1** and request approval to implement such changes.

TSE-3 The project owner shall be responsible for the inspection of the transmission facilities during and after project construction, and any subsequent CPM approved changes thereto, to ensure conformance with CPUC GO-95 and CPUC Rule No. 21 and these Conditions. In case of non-conformance, the project owner shall inform the CPM in writing within ten (10) days of discovering such non-conformance and describe the corrective actions to be taken.

Verification: Within sixty (60) days after synchronization of the project, the project owner shall transmit to the CPM an engineering description(s), and one-line drawings of the "as-built" facilities signed and sealed by a registered electrical engineer in responsible charge. A statement attesting to conformance with CPUC GO-95, CPUC Rule No. 21 and these Conditions shall be concurrently provided.

EFFICIENCY

No General Conditions of Certification.

RELIABILITY

No General Conditions of Certification.